

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

Department:	Regeneration & Environment	Service:	Regulatory Services
Title of decision:	Proposal to introduce Additional and Selective Licensing Schemes in the Private Rented Property Sector	Date completed:	
Author:	Martin Rattigan	Contact details:	Martin.rattigan@enfield.gov.uk

1 Type of change being proposed: (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 licensing proposal is part of a wider strategy to improve the quantity and quality of accommodation in the borough and supports the Council's Housing Strategy. The Council is proposing to introduce:

- Additional HMO licensing to all 21 wards (borough wide). This applies to HMOs not covered by the mandatory HMO licensing scheme, and
- Selective licensing, which applies to privately rented properties occupied by one household (e.g. one family, one person or two persons) into the 14 wards in the borough listed below:

Bowes	Edmonton Green	Enfield Highway
Enfield Lock	Haselbury	Jubilee, Lower Edmonton
Palmers Green	Ponders End, Southbury	Southgate Green
Turkey Street	Upper Edmonton	Chase.

The introduction of additional and selective licensing will supplement the Council's current mandatory licensing obligations in relation to houses in houses in (HMO's).

For the purpose of the mandatory HMO licencing scheme¹ a house in multiple occupation is defined as 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)

¹ [Housing Act 2004](#)

Private rented sector (PRS) properties that are not subject to Mandatory HMO licensing can also be licensed through either a selective licensing scheme and/or an additional HMO licensing scheme under the Housing Act 2004 Parts 2 and 3. This would mean that every home in the designated areas that is rented out privately must be licensed by the Council.

The report in Appendix 3(evidence report) shows that significant numbers of private rented properties in the borough:

- Have category one hazards (poor housing conditions) and are inadequately managed,
- Are in areas of high deprivation
- Have significant and persistent levels of antisocial behaviour (ASB).

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

The Council aims to support good landlords in the borough and will use additional and selective licensing to further improve the conditions in the private rented sector (PRS) and enhance housing management standards. A licensing scheme will give the Council additional means 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 these will 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

The Council can also attach other conditions to licensing for the proper management, occupation and use of the property, and for the condition also in relation to additional HMOs.

Fit and proper person

The council must consider whether the landlord is a 'fit and proper' person before granting a licence. (Section 89 HA 2004) and 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.

If the Council decides that a landlord is not 'fit and proper' a licence will not be granted. The local authority can also withdraw a license after issue if the licensee is no longer considered a 'fit and proper' person. Appeal rights are attached to both decisions.

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 confirm that satisfactory management arrangements are in place, having regard to the competence of the manager; management structures; and soundness of the financial arrangements.

Licences are issued for a period of up to 5 years, although local authorities may issue licences for shorter periods where certain requirement(s) 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. Operating a property without a licence in a designated area can attract an unlimited fine if prosecuted.

Who is affected by the proposal?

Private sector landlords and their tenants within the wards in scope will be directly affected by the proposals.

Demographic profile

Enfield is characterised by significant inequalities between the east and west of the Borough. The A10 separates the two areas and represents both a physical and social boundary between communities, with outcomes for several domains worse for people living in the east of the Borough.

East Enfield contains the 10 most deprived wards in the Borough, which lie (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.

These wards are among the 20% most deprived wards in England (2015 Indices of Multiple Deprivation) and include nine of the wards in which we propose to introduce additional selective licencing.

- 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) which has a negative impact on the ability to find good quality affordable housing.
- 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)
- 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).
- 178 different languages are spoken in Enfield. 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 languages spoken in Enfield are Lingala, Kurdish, British Sign Language and Romanian.

Enfield is home to a diverse population and the table below shows the proportion of different ethnic groups in the borough.

White UK	40.5%
Other White' group ²	18.2%
Black groups	17.2%

Source 2011 Census

According to official HMRC statistics (31st August 2013) 24.9% of all dependent children under the age of 20 in Enfield are in low-income families compared to 18.2% nationally and 21.7% in London. This figure rises to 25.5% (21,135) for children under the age of 16. Low income' is defined as a family receiving 60% or less of median income The majority of children under 16 live 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.

² The 'Other White' group is composed largely of Greek and Turkish Cypriots and Turkish. Enfield has the largest Cypriot, Greek, Turkish and Albanian population in England & Wales.

5. Could this proposal affect access <u>to information</u> about your service by different groups in the community?	Y	N	N	Y	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

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.

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

Overall impact

We anticipate that the impact on the majority of residents in the borough will be positive. The licencing scheme will:

- Provide a more strategic approach to regulating the sector
- Identify private rented properties and landlords operating in Enfield
- Introduce greater volumes of proactive inspections to assess living conditions and 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 incidence of anti-social behaviour in the borough and facilitate action against landlords whose properties or tenants cause persistent ASB
- Reduce enviro-crime and improving waste management in the borough
- Strengthen enforcement action to tackle non-compliant properties and landlords in the sector

Community Cohesion

Improved standards of accommodation and property management will help to reduce some of the problems in the PRS, such as untidy front gardens, noise and neighbour nuisance and therefore have a positive impact on relations within the community and between

neighbours.

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 licensing 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 impact on tenants

Tenants in the private rented sector will benefit from an improvement in their property condition(s) and better standards of management. Feedback from public consultation on the scheme shows that tenants are strongly in support of the proposed licensing schemes. However, some tenants and tenant organisations are concerned that

- Licence fee costs will be passed onto them through increased rents and
- there will be an increase in the number of tenants evicted as landlords leave the sector.

A recent MHCLG report “An Independent Review of the Use and Effectiveness of Selective Licensing” (June 2019) found no evidence to suggest that the licence fee costs are transferred to the tenants. The review concluded that rent increases are determined by supply and demand within the rental market and not by licence fees.

When enforcement action is taken against a Landlord, we will support and signpost tenants to relevant agencies for advice and work with Landlord’s to prevent any breach of current legislation protecting tenants from harassment and illegal eviction and act to prevent homelessness arising from any intervention.

Landlords

Landlords will be required to licence their property and comply with the licence conditions, at a cost.

Consultation feedback suggests that landlords are strongly opposed to the proposed licensing scheme for the following reasons:

- good landlords will be penalised

- it will impose an additional financial burden on landlords
- that licence fee costs will be passed onto tenants in rent increases
- Landlords will withdraw from the market and reduce the supply of private rented housing

Financial Burden

We accept that some Landlords are already seeing the impact of changes to taxation rules and the scheme will mean additional costs, potentially reducing the return on their investment. However, Enfield's Licence fees are lower than some neighbouring boroughs and we believe the fees to be reasonable and proportionate.

Rent increases

Concerns about rent increases are discussed above. In addition, respondents reported that rents in Waltham Forest have reduced despite licensing schemes in the borough.

Reduced supply

There is no evidence from other councils that additional or selective licensing has reduced private rented housing supply, although it does appear that rogue landlords have been driven out/displaced from boroughs with licensing schemes.

We will monitor during implementation where landlords share a protected characteristic and face demonstrable hardship in paying the licence fee.

Impact on staff

Some Council employees may see an increase in their workloads as a result of the licencing scheme. New additional staffing will be recruited in order to deliver the scheme. The implications for staff will be considered as part of Council's internal policies and processes.

Equality Impact

The policy will apply to all landlords in the designated areas, irrespective of any protected characteristic and will be administered fairly, in accordance with the Council's Enforcement Policy.

We do not know the equality profile of the landlords in the areas affected by the scheme and cannot say for certain that it will not have a disproportionate impact on some groups and result in indirect discrimination.

However, there is an objective justification for any indirect discrimination associated with the policy.

- The policy has a legitimate aim - to improve conditions in the private rented housing market for all sections of the community and

associated positive impacts

- This is a proportionate means of achieving improved conditions for tenants in the private rented sector and residents, and overall the positive impact of the policy outweighs the negative impact on Landlords
- There is no feasible alternative measure available to the authority to regulate and improve the private rented sector on the large scale necessary.

Positive impacts

The scheme will apply to all private rented properties in the proposed designated areas irrespective of the occupants' background or any shared protected characteristic. It is anticipated that the promotion of the licensing schemes and more information about appropriate behaviour, of both landlords and tenants, will increase contact from private tenants and disadvantaged groups housed in poor quality accommodation, seeking advice and assistance from the Council. Landlords will benefit from increased support from statutory agencies.

Improved housing conditions will bring improvements to the quality of life for tenants³ and neighbouring residents. These include a reduction in overcrowding, compliance with the Housing, Health and Safety Rating Scheme (HHSRS, which sets minimum standards of health and safety), and licence conditions. These changes will improve health outcomes for private tenants by tackling excess cold, dampness and other factors that are detrimental to good health.

It is anticipated that access to information about housing services will increase as a result of this proposal. Will we make information available in different formats/languages/on the web – read aloud/translations etc to meet the needs of different groups in the community – will we have a programme of engagement with different community groups representing people sharing protected characteristics.

It is anticipated that landlords will benefit through the provision of advice and information to help them improve the condition of properties offered for rent, an improved reputation for the profession and fewer incidents of ASB, will help to increase the return on their property investment.

Age	Private rented sector tenants are typically younger than residents in other tenures, with more than 50% of all private tenants under the age of 35. Families with children account for a third of the increase in PRS households in the past
-----	---

³ The evidence that good-quality housing is critical to health is well established – (Public Health England 2017)
<https://www.gov.uk/government/publications/improving-health-through-the-home/improving-health-through-the-home>

	<p>decade and many of these families will be lone parent households. The implementation of the licencing schemes will raise the standard of their housing conditions and help them to feel more safe.</p> <p>The HHSRS assessment protects vulnerable groups, such as the 0-5's and over 60 years of age.</p> <p>There may be some older residents living in old Protected tenancies properties in Enfield that are likely to be in a poor condition and these residents will benefit from improvements to the quality of their accommodation.</p> <p>Compliance with licence conditions and HHSRS standards will help to improve the conditions for older people by reducing trip hazards, for example, which can result in serious injury from a fall.</p> <p>Students and young professionals can be exploited in the current rental market tend to live the private rented sector and HMOs</p> <p>The licensing fee will be set at a self-funding level to cover the cost of administering and ensuring compliance of the scheme only.</p>	
Sex	<p>Women tend to be over-represented on the Housing Register and are likely to benefit from improvements in the private rented sector.</p>	
Disability	<p>We will seek to encourage landlords to allow disability adaptation via Disabled Facilities Grants.</p>	
Race	<p>In our experience, White Residents from EU accession countries are the most likely group to rent privately and so should benefit from improvements in this sector.</p> <p>New migrant households tend to have difficulty securing private rented sector. With less choice over the type of accommodation they can access, these households tend to be concentrated in the HMO sector in Enfield, where a room to rent is the only affordable form of accommodation available, which is characterised by poorer quality housing, lack of privacy and less security.</p>	

Religion or belief	It is unlikely that the proposed licensing schemes will have an impact on religion or belief.
Sexual Orientation	We do not hold information about the sexual orientation of residents in the private rented sector but 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 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 ⁴ Additional and Selective licensing aims to reduce antisocial behaviour which is likely to benefit people who suffer homophobic crime and incidents.
Pregnancy and Maternity	It is unlikely that the proposed licensing schemes will have an impact.
Gender reassignment	It is unlikely that the proposed licensing schemes will have an impact.
Marriage or Civil Partnership	It is unlikely that the proposed licensing schemes will have an impact.

6. Tackling Socio-economic inequality 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/A	Y	Y	Y	
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between	Y	Y	Y	N/A	Y	Y	Y	

⁴ <https://www.stonewall.org.uk/lgbt-britain-hate-crime-and-discrimination>

different groups in the community?								
Could this proposal affect access to your service by different groups in the community?	N	N	N	N/A	N	N	N	
<p>If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if applicable.</p> <p>Whilst the scheme will not tackle the cause of socio-economic inequality, it will address some of the consequences. Improved housing conditions will improve health outcomes and begin to address the health inequality across the borough. Income inequality has a significant impact on housing choice, with poorer households concentrated in the private rented housing, in the most deprived wards in the Borough. The scheme will drive up housing conditions in some of the poorest areas in Enfield and improve the management of private rented housing to address the factors that make deprivation worse (e.g. overcrowding and fuel poverty).</p> <p>The consequences of poor housing on the health and educational attainment of children⁵ is well documented; improved housing conditions will have a positive impact on the educational attainment and future life chances of children.</p> <p>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.</p>								
<p>Public Consultation feedback</p> <p>The Council appointed an Independent Social Research provider to conduct a comprehensive programme of public consultation in order to seek views amongst stakeholders on the proposed additional and selective licensing schemes within Enfield. Our public consultation with stakeholders sought to engage with all sectors of the community.</p> <p>We publicised the public consultation on the proposed licensing schemes widely using various media including ethnic newspapers and</p>								

⁵ https://england.shelter.org.uk/_data/assets/pdf_file/0016/39202/Chance_of_a_Lifetime.pdf

voluntary and third sector organisations.

The ethnicity breakdown of Enfield's population was taken account of in determining the same size for the 1,067 face to face surveys across the borough. Stratified random sampling was undertaken for each ward in order to take account of the age and gender profile in each ward. We collected equality monitoring information as part of the public consultation process (please refer to Appendix 1A Page 51 -54). This showed that the age and gender of respondents were broadly representative of the Enfield population, as were disability and work status. Ethnicity was broadly representative amongst respondents for many groups, although 'White - English' was overly represented and some groups were slightly under represented amongst respondents; 'White – Other', Greek Cypriot, Turkish, Black Somali and Black African and 'Black – Other'.

Analysis of all comments provided during the public consultation was also undertaken (please see Appendix 2), and those relevant to the impact on equalities were and considered and fed into this Equalities Impact Assessment and action plan.

7. Review

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

We will monitor the impact on equalities during the implementation of these licensing schemes (if approved) and conduct a review 12 months after implementation.

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

Title of decision:...Proposal for the 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
------------------	-----------------	--------------	-----------------------	-------	--------------------------

<p>Potential for a lack of engagement with stakeholders and hard to reach communities during the public consultation.</p>	<p>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.</p>	<p>Martin Rattigan</p>	<p>Throughout the 3 month consultation period</p>		<p>There have been no changes to the planned strategy for the consultation and communications channels as all areas of diverse engagement have been met. With our robust communications and media plan, each channel has been reviewed at periodic intervals ensuring that we have encouraged target audiences. Performance metrics to assess the breakdown of these target audiences has undertaken weekly to ensure if any changes to engagement was needed</p>
<p>If there is a predominance of one or more ethnic group amongst landlords, negative publicity about standards in the PRS could cause disharmony/ negative view of Enfield or in the wider community in Enfield.</p>	<p>Publicity to emphasise that there are responsible landlords who comply with requirements, and that licensing is designed to deal with those properties and landlords who are not currently meeting their obligations.</p>	<p>Martin Rattigan</p>	<p>Throughout the 3 month consultation period</p>		<p>During all public meetings there has been promotion of working with good landlords and an offer from Enfield to provide Landlord support and training throughout the proposal. The licensing proposal promotes joint working with good landlords</p>

					with landlord advocates. The licensing proposal and consultation publicised the engagement with landlords with consistent and open dialogue to increase compliance.
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.	Provide advice and support 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/Sue McDaid	During the implementation of the licensing schemes		A recent report from the MHCLG, An Independent Review of the Use and Effectiveness of Selective Licensing, June 2019 provides evidence that there is limited evidence to suggest that landlords leave a borough due to licensing. The Licensing Team will work closely with our Housing and Homelessness teams to intervene early to prevent homelessness, deal with illegal evictions/harrassment and to monitor numbers of evictions.
Impact of the Licence Fee on landlords with	Monitor feedback from landlords with	Tina Fasi/Sue McDaid	During implementation of the schemes and		

protected characteristics	protected characteristics and extreme demonstrable hardship		ongoing		
Information and support to landlords in the requirements of the licensing schemes; licence applications, rights and responsibilities	Continue with an active landlord forum, and Dedicated website information, dedicated email and telephone line	Tina Fasi/Sue McDaid	During implementation of the schemes and ongoing		
Information and support to private renters in the requirements of the licensing schemes; rights and responsibilities	Continue with an active private renting tenants' forum, and Dedicated website information, dedicated email and telephone line and 'report it' form online	Tina Fasi/Sue McDaid	During implementation of the schemes and ongoing		
Difficulties accessing online licence application form due to protected characteristic	Will provide free assistance with application form (paper based if need based on equalities if justified)	Tina Fasi/Sue McDaid	During implementation of the schemes and ongoing		

Date to be Reviewed: ...If the Licensing Schemes are approved, review will take place 12 months after implementation

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

This form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.