

## Appendix 3: Equality Analysis



### Equality Analysis (EA) for Selective Licensing

Name of service change or function	Selective Licensing
Directorate/Service	Community Well Being: Housing & Culture Private Housing Services - Licensing
EA undertaken by/contact:	Tony Jemmott – PHS Licensing Manager Ext 2377
Version/Date:	SLS.V1 – ‘February 2017
Date of next review (if applicable):	February 2018

#### Introduction

The Public Sector Equality Duty (PSED), section 149 of the Equality Act 2010 requires the Council to have “due regard” to its equality aims when exercising its public functions. Brent believes that an Equality Analysis (EA) is the best method to demonstrate compliance with the PSED.

Brent is one of the most diverse boroughs in the UK and to work effectively in such a diverse setting, we need to have a good understanding of all our communities and to apply an evidence-based approach to our decision-making processes.

This EA is informed by 2011 Census and other data sources about the demographic, diversity and socio-economic characteristics of the local population across the borough, including: age, sex, disability and long-term health conditions, ethnicity, religion or belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity and income status. We have benchmarked census data for Brent against England and Wales, London, Inner London and Outer London and data from other sources against London and Great Britain.

This EA is also informed by the 2014/15 and 2015/16 Diversity in Brent reports. We have gathered enviro-crime data from our council’s recording databases, police recorded crime for Brent, household and property data from our own and from the latest English Housing Condition Survey reports.

The data in respect to equalities is considered in relation to licensing criteria of levels of anti-social behaviour (ASB), poor property conditions, migration, deprivation and crime. ASB and crime will include *hate crimes*. There may be differences between 2011 Census data and data more recently collected by service areas. Last but not least, the EA has also been informed by the responses of our licensing consultation carried out from 30<sup>th</sup> September to 16<sup>th</sup> December 2016. As part of the consultation we also collated respondents’ diversity information to identify the potential/likely impact that our proposal may have on people with protected characteristics and to inform our action plan.

## Stage 1 Screening Data

### 1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

The Council report is proposing that selective licensing is extended currently from affecting 3 wards to other wards within Brent. The council recognises that much of the private rented sector in Brent offers good accommodation to people who want to live in the Borough, but also that parts of the borough are badly managed, in poor condition, and in some cases, unsafe. The proposal to extend selective licensing is intended to improve the conditions in the private rented sector (PRS) and to enhance housing management standards. Extending selective licensing will give the Council additional powers to tackle anti-social behaviour, poor property conditions and high levels of migration, deprivation and crime in Brent. Overall if licensing is extended, it will help the council to work with landlords, tenants and businesses, and with our internal and external partners to drive up standards. In summary we believe that property licensing will:

Provide an improved strategic approach to managing the sector  
Help to identify all properties that are rented out privately  
Establish a register of landlords operating in Brent

Give us the opportunity to inspect the properties to assess living conditions and to advise landlords, managing agents and tenants about their obligations  
Impose the Housing Act mandatory conditions and a set of local conditions as a minimum letting standard in Brent

Redefine how the service operates by shifting the emphasis from a customer complaints led, reactive service

Address housing issues resulting from the movement of new and emerging communities and to preserve or improve the socio-economic conditions of the area

Ensure that a proper standard of management of privately rented property is maintained and that properties do not become severely overcrowded

Reduce the levels of anti-social behaviour in the borough and take action against those whose properties or tenants cause persistent ASB

Reduce enviro-crime locally including improvement in the management of waste

Address hate crime and homophobic incidents

Strengthen enforcement action to tackle the small minority of rogue landlords in the sector

If introduced the effect will be that landlords who rent or let any residential accommodation in any area designated for selective licensing in Brent must have a selective licence. This is estimated to cover 17,000 dwellings. When combined with properties that are occupied as Houses in Multiple Occupation (HMOs) most of the estimated 37,500 private rented homes in Brent would be required to be licensed. Applications must be made to the Council and shall be accompanied by a licence fee. The mandatory conditions below will as well as specific conditions and schedule of works will be applied to licences and the requirements will be enforced by the council.

- Providing a gas safety certificate annually to the LHA, 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; and
- Demand references from persons wishing to occupy the house.

## **2. Who is affected by the proposal? Consider residents, staff and external stakeholders.**

If selective licensing is extended:

Private sector landlords and their tenants within the wards in scope will be directly affected by the proposals. We anticipate that the majority of residents will be positively affected by the proposal.

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

### ***Landlords and Managing agents***

In deciding whether or not to grant a licence, the council must consider whether the landlord (or the managing agent) is a 'fit and proper' person. The rules that must be followed in order to determine this are set out in section 89 of the Housing Act 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 – which could involve taking into account whether they are locally resident and have 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.

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

On the whole, tenants will benefit from an improvement in their property condition and better standards of managing. **Built into the licensing system is a rationale for elimination discriminatory practices by 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 to relevant agencies.

## **Council employees**

The local authority is also obliged to take reasonable steps to ensure that licence applications are made and dealt with. This will have staffing and financial resources implications.

### **3.1 Could the proposal impact on people in different ways because of their equality characteristics?**

All groups who own, manage or live in privately rented accommodation are likely to be affected. People of ethnic minority origin, single parents and young children and certain vulnerable people are key tenant groups and are therefore likely to be affected as they are over-represented in private rented sector and notably in properties which are in poorer condition.

### **3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted**

Given the demographic in Brent the proposal will have an impact on some equality groups such as age, gender, race and disability. Nationally over 20% of renters are families with children. Further detail is available below in the second part of the EA.

### **3.3 Would the proposal change or remove services used by vulnerable groups of people?**

No

### **3.4 Does the proposal relate to an area with known inequalities?**

Yes – There are known health and socio-economic inequalities in the UK private rented sector with further evidence of highest rents and poorest housing in the PRS. Nationally, tenants are more likely to be on low incomes, and earnings are typically more than 40% of the tenant's gross income, (English Housing Survey). More than 30% of homes are in poor condition (classified as non-decent) which is higher than in the owner-occupied or social rented sector. There is a strong correlation between poor quality housing and fuel poverty. A high % of the PRS would fail the HHSRS "excess cold" hazard.

Many tenants are reluctant to ask for repairs or complain for fear of eviction.

Built into the licensing system is a rationale for elimination discriminatory practices by landlords.

### **3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?**

Yes

### **3.6 Does the proposal relate to one of Brent's equality objectives?**

**Yes, it relates to the following equality objectives:**

Equality objective 3: To demonstrate leadership in equalities and human rights, both within the council and amongst partners, and organisational commitment to excellence.

Equality objective 4: To ensure that local public services are responsive to different needs and treat users with dignity and respect.

Recommend this EA for Full Analysis?

Yes

4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.

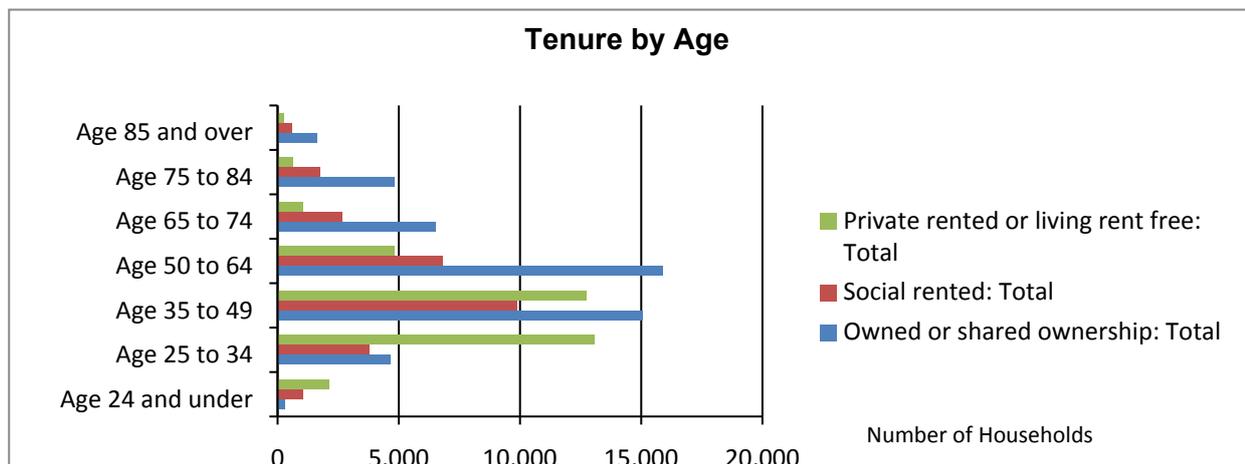
### Stage 2: Analysis

5. What effects could your policy have on different equality groups and on cohesion and good relations?

#### 5.1 Age (select all that apply)

- Positive
- Neutral
- Negative

Figure 1: Brent Tenure by Age



Source: ONS Crown Copyright Reserved [from Nomis on 16 July 2013]

Brent has a population of approximately 324,500 residents (GLA 2016 Round of Demographic Projections). The tenure is broken down by age groups in the chart above. In Brent working age tenants under 49 years old, especially those in the 25-34 bracket, are more highly represented in the private rented sector than in other housing tenures. A significant proportion of these will be single people living in shared accommodation and lone parent households.

The proposal to introduce selective licensing is intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) standards, which will have a positive impact on all age groups. Vulnerable age groups will particularly benefit from health intervention e.g. damp and moulds, infections, reduction of trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.

Table 1: Age group

What is your age group?	Landlords M/agents	Residents	Other stakeholders	Borough average
Under 18	0%	0%	1%	23%
18 - 24	1%	2%	1%	9%
25 - 34	9%	14%	16%	20%
35 - 44	17%	19%	23%	15%
45 - 54	28%	21%	31%	12%

55 - 60	16%	10%	11%	6%
61+	17%	23%	12%	15%
Prefer not to say	10%	10%	5%	n/a
No Response	2%	2%	1%	n/a

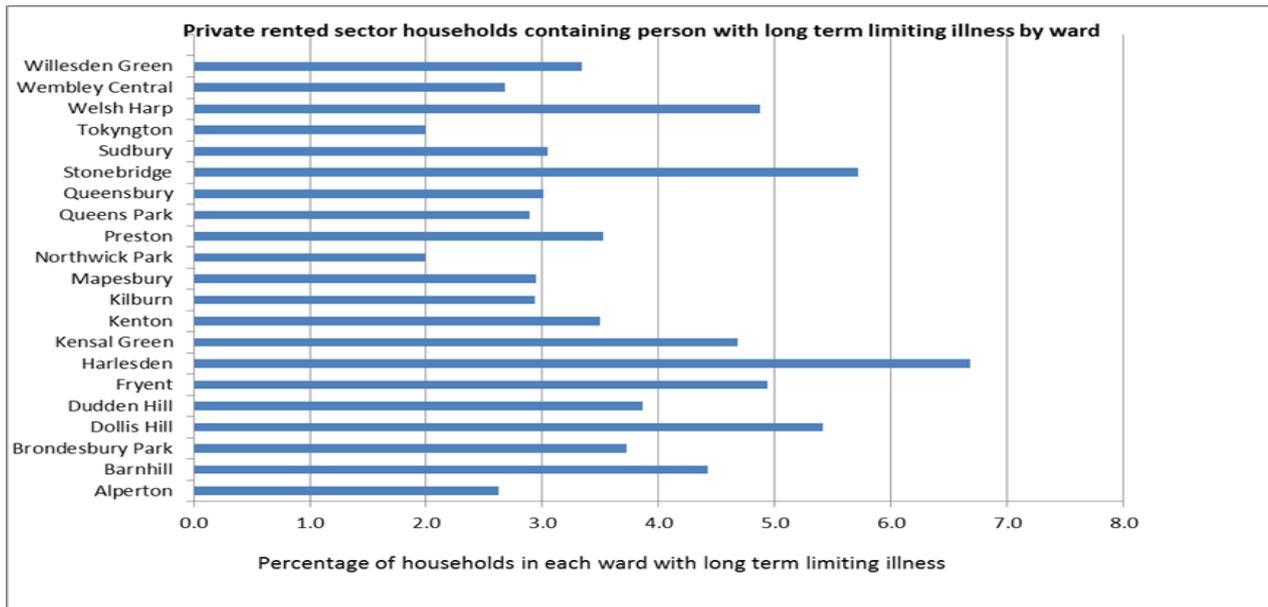
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16% of residents under 34 years old responded to the survey which is significantly below the borough average of 51%. Other age groups were well represented in the survey.

### 5.2 Disability (select all that apply)

- Positive
- Neutral
- Negative

Please give details: Figure 2: Disability



The above chart in Figure 2 details the disability profile in the PRS by ward, showing that there are higher proportions of PRS households comprising disabled tenants in Harlesden, Stonebridge and Dollis Hill wards. From the 2011 census the borough disability profile is 14.5%. This compares with a rate of 14.2% for London and 3.4% lower than the national figure. In February 2014, 0.8% (1,650 people) Brent residents of working age - aged 16 to 64 - were claiming disability benefits (Nomis). This rate was lower than the rate for London, 0.9%.

One of the potential outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support that is available to disabled people including information on the availability of Disabled Facilities Grant. Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System in terms of reasonable adaptations, reducing trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.

**Table 2: Disability**

Do you have any long-standing illness, disability or infirmity?	Landlords/ managing agents	Residents	Other stakeholders	Borough average
Yes	9%	13%	7%	14.5%
No	82%	70%	88%	
Prefer not to say		14%		
No Response	9%	4%	5%	

Brent SL Consultation 30 Sep -16 Dec 2016

853 Residents, tenants and businesses; 205 Landlords and Managing Agents; 147 Other Stakeholders

Table 2 shows that the disability profile of respondents is broadly reflective of the borough disability profile of 14.5%.

### 5.3 Sex/Gender (select all that apply)

- Positive
- Neutral
- Negative

Men made up just over half (51%) of the population of Brent: 156,468 people in Brent were men and 154,747 (47%) were women. The median age for both men and women in Brent was 32 years old. This is similar to the median ages of men and women in Inner London, 32 and 31 years old respectively. Brent's population aged 65 and over had a greater number of women (17,957) than men, (14,719). The women to men ratio increased as the population 65 and over aged. Conversely, there were 1,556 more men than women aged 30 to 44 years old. (Source Brent Diversity Reports 2014/15 and 2015/16).

#### **Breakdown of Consultation Participants by Gender**

Out of all the residents who responded to the consultation 47% were male and 42% were female. From all the landlords who took part in the consultation 57% were Male and 29% were female.

There is no information relating to the gender profile of landlords. Although women have not been under-represented in the responses, there was active female participation in the Brent Landlord forum on 1<sup>st</sup> November 2016 where selective licensing was discussed.

**Table 3: Sex**

Gender	Landlords M/agents	Residents	Other stakeholders	Borough average
Male	57%	47%	54%	51%
Female	29%	42%	41%	49%
Prefer not to say	11%	8%	3%	n/a
No Response	2%	3%	2%	n/a

Brent SL Consultation 30 Sep -16 Dec 2016

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Literature was sent to all households. Table 3 shows that female respondents are over-represented compared to the Borough profile where women represent 49% of the population. There is no data on the gender breakdown of those living in the PRS in Brent.

There is insufficient data available to measure accurately the potential impact of the proposal on gender. However, one of the aims of Selective licensing is to tackle antisocial behaviour which is likely to have a positive impact on both genders, particularly for women and girls. Both sexes are likely to benefit from improvement in the PRS. There were no comments made during the consultation with particular reference to gender.

#### **5.4 Sexual orientation and gender identity (*select all that apply*)**

- Positive
- Neutral
- Negative

The census did not include information about sexual orientation and gender reassignment. Stonewall estimates that lesbian, gay and bisexual (LGB) people make up 5-7% of the UK population. According to 2014 Integrated Household Survey the percentage of adults in London who disclosed they are Lesbian, Gay or Bisexual was 2.6%, although as indicated above, the actual percentage is likely to be much higher.

The Gender Identity Research and Education Society estimate that 1% of the UK population experience gender variance and 0.02% of the UK population will undergo gender transition. The number of people seeking treatment for gender variance goes up by 20% every year – by 2012 there were 180,000 people in the UK aged 16+ who had undergone gender transition. This equates to an LGB population in Brent between 15,561–21,785; 3112 people experiencing gender variance and 62 transgender people. These estimates apply the UK average to Brent and do not take into account variance; they are not definitive estimates.

Stonewall research has found that many LGBT people of all ages experience homophobic harassment and violence in their neighbourhood. Someone may know or suspect their sexuality. Harassment can include name-calling, graffiti, and criminal damage and over time even seemingly small incidents can cause extreme distress and fear, with people often too frightened to leave their own home.

#### ***Results of the consultation relating to Sexual Orientation and Gender Identity***

65% of residents and 63% of landlords responding to the consultation were heterosexual or straight compared with the borough average of 97%.

2% of residents and 2% of landlords were LGBT compared with the borough average of 3%.

28% of residents and 29% of landlords “preferred not to say”.

We therefore expect that the figures for sexual orientation and gender identity may be larger in Brent than these records.

**Table 4: Sexual orientation and gender identity**

Question 18: What is your sexual orientation?	Landlords/ managing agents	Residents	Other stakeholders	Borough average
Heterosexual/straight	62%	65%	73%	97%
LGBT*	2%	2%	4%	3%
Prefer not to say	29%	28%	20%	n/a
No Response	6%	4%	3%	n/a

Brent SL Consultation 30 Sep -16 Dec 2016

853 Residents, tenants and businesses; 205 Landlords and Managing Agents; 147 Other Stakeholders

Table 4 provides the results of the consultation. It is noted that approximately one-third either preferred not to say or did not respond. Those responding as LGBT have done so broadly reflective of the 3% borough profile. There is insufficient data available to measure accurately the impact of the proposal on gender identity/reassignment. However, one of the aims of Selective licensing is to tackle antisocial behaviour, hate crime and homophobic incidents and this aim is likely to have a positive impact on this protected characteristic.

The data is insufficient and does not suggest that if selective licensing is extended that it would have there is any additional impact on this protected characteristic.

Selective licensing aims to reduce antisocial behaviour which is likely to benefit people who suffer homophobic incidents. There were no direct comments made in relation to sexual orientation and gender identity.

#### **5.4 Marriage and civil partnership (select all that apply)**

- Positive
- Neutral
- Negative

#### **Please give details:**

There is insufficient data available to measure accurately the potential impact of the proposal on marriage and civil partnership. However, one of the aims of Selective licensing is to tackle antisocial behaviour, hate crime and incidents which are likely to have a positive impact on this characteristic.

#### **5.5 Pregnancy and maternity (select all that apply)**

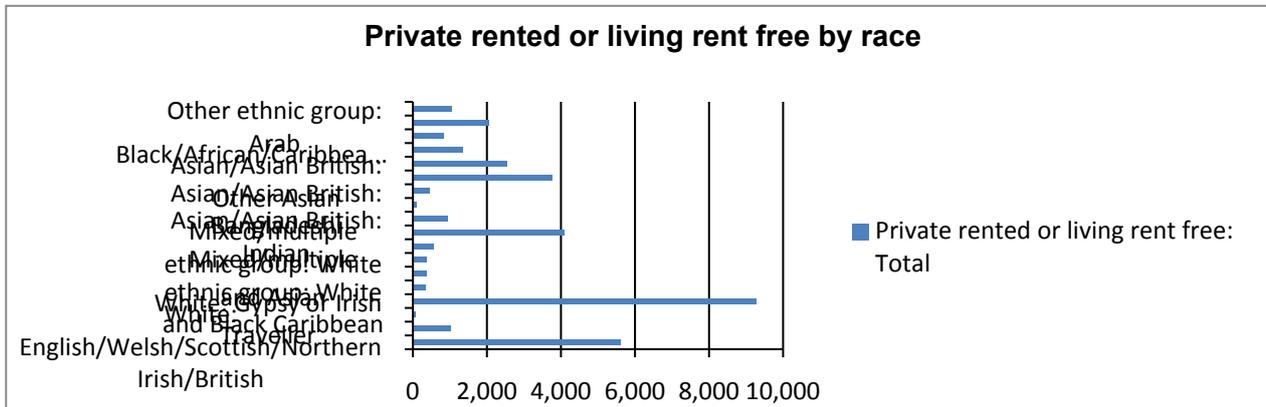
- Positive
- Neutral
- Negative

There is insufficient data available to measure accurately the potential impact of the proposal on pregnancy and maternity. However, one of the aims of Selective licensing is to tackle antisocial behaviour which will have a positive impact on this characteristic. The proposal to introduce selective licensing is also intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) standards, which is likely to positively impact this protected characteristic.

#### **5.6 Race (select all that apply)**

- Positive
- Neutral
- Negative

**Figure 3: Race**



Source: ONS Crown Copyright Reserved Census 2011

2011 Census data indicates that certain ethnic groups such as Black and Asian people are more likely to be private tenants. It is anticipated that licensing will improve housing conditions of those living in the lowest end of the PRS. Our general finding from our licensing visits is that a growing number of tenants are EU nationals, particularly Eastern European groups or other emerging communities (e.g. Latin American groups).

**Table 5: Ethnicity of consultation respondents**

How would you describe your ethnic background?	Landlords & Man. agents	Residents	Other stakeholders	Borough average
White	32%	44%	31%	36%
Mixed/multiple ethnic groups	3%	4%	3%	5%
Asian/Asian British	29%	20%	28%	34%
Black/African/Caribbean/Black British	3%	7%	16%	19%
Other ethnic group	2%	3%	3%	6%
Prefer not to say	25%	22%	16%	n/a
No Response	4%	2%	3%	n/a

Brent SL Consultation 30 Sep -16 Dec 2016

853 Residents, tenants and businesses; 205 Landlords and Managing Agents; 147 Other Stakeholders

The consultation findings suggest that respondents' ethnicity profile is broadly reflective of the ethnicity profile of residents living in the PRS sector.

We are aware that enforcement action can sometimes impact on tenants. For example, a big proportion of the overcrowding caseload affects Eastern European tenants. There have also been a number of cases of Eastern Europeans being unlawfully displaced or evicted by their landlords even though they had tenancy agreements. Every effort will be made to effectively support and signpost tenants who are victims of unlawful landlord displacements or evictions.

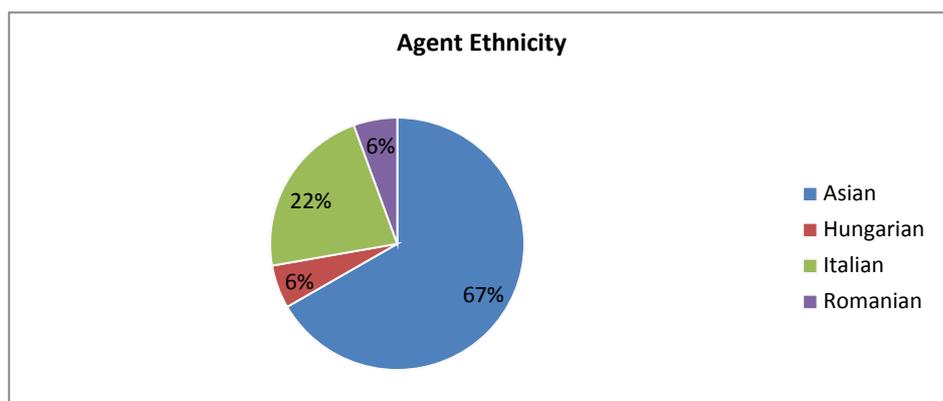
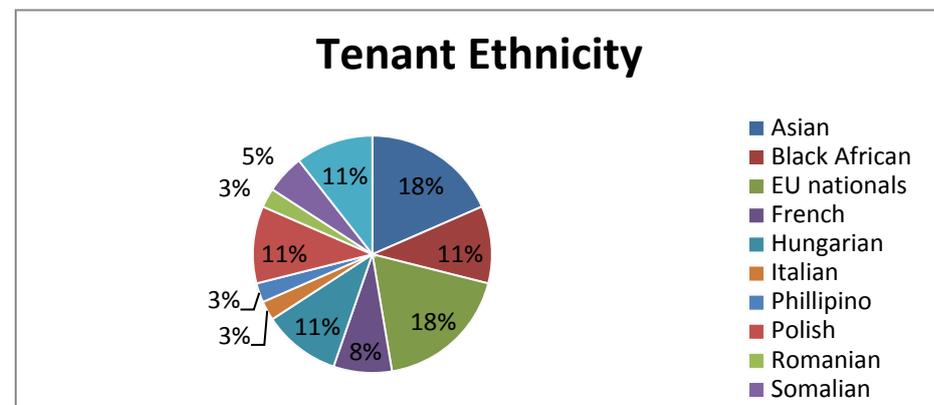
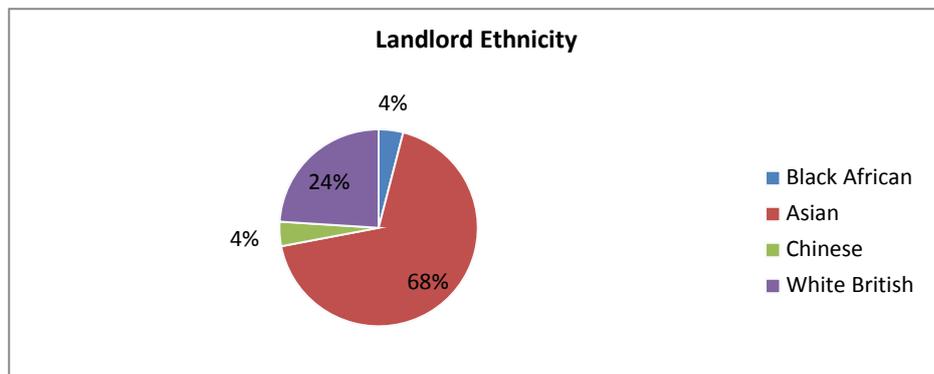
BAME landlords are overrepresented in Brent, and as such it is recognised that enforcement action is likely to impact more negatively on BAME landlords in relation to increased business costs and financial penalties. This impact on BAME landlords is considered to be negative in the short term but it is not anticipated that the impact will be different from the general landlord population.

***Ethnicity study of prosecutions taken by Brent PHS - January 2016-July 2016***

The following three pie-charts, figures 4 a-c, show the ethnicity broken-down in to three categories; landlord, agent and tenant. The data has been extracted from the 34 successful prosecutions PHS has taken against criminal landlords in 2016. Where nationality was known, we have further broken down the categories to get a better understanding of the landlord/tenant/agent profile affected by enforcement actions.

Asian landlords and managing agents and EU migrant tenants have been more affected by formal PHS enforcement than other groups in Brent. However it must be noted that a significant amount of the properties enforced against were Houses in multiple occupation.

**Figures 4a above and 4b & 4c below: PHS Prosecutions breakdown by ethnicity 2016**



**5.7 Religion or belief (select all that apply)**

- Positive
- Neutral
- Negative

**Please give details:**

More people in Brent had a religion than London and nationally: 1 in 10 Brent residents stated they had no religion, compared to 1 in 5 people in London and 1 in 4 people in England and Wales. The largest religious groups in Brent were: Christian (41% compared to 48.4% in London); Muslim (18.6% compared to 12.4% in London); Hindu (17.8% compared to 5.5% in London).

The biggest changes to religious groups in Brent were: 79% increase to the proportion of Muslim people, 72% increase to the proportion of Buddhist people, 32% decrease to the proportion of Jewish people. 2,462 people stated that they were Jain and 1,709 people stated that they were Sikh.

**Table 6: Group responses for religion compared with borough averages**

Question 17: What is your religion or belief?	Landlords/managing agents	Residents	Other stakeholders	Borough average
Buddhist	3%	1%	0%	1%
Christian	23%	31%	33%	41%
Hindu	20%	9%	14%	18%
Jewish	1%	2%	1%	1%
Muslim	6%	6%	13%	19%
Sikh	0%	1%	1%	1%
None	13%	17%	12%	11%
Prefer not to say	26%	27%	21%	7%
Other	2%	3%	3%	1%
No Response	4%	3%	1%	n/a

Brent SL Consultation 30 Sep -16 Dec 2016

853 Residents, tenants and businesses; 205 Landlords and Managing Agents; 147 Other Stakeholders

From Table 6, Christian, Hindu and Muslim tenants seem to be under-represented in the survey compared to the Borough profile. Christian and Muslim landlords also seem to be under-represented, while Hindu landlords appear to be marginally overrepresented in the consultation. It should be noted, however, that the percentages of those who preferred not to disclose their religious beliefs are very high.

There is insufficient data available to measure accurately the potential impact of the proposal on religion or belief. However, one of the aims of selective licensing is to tackle antisocial behaviour, including hate crime and incidents and this is likely to have a positive impact on this characteristic. There were no direct comments made in relation to religion or belief.

**5.8 Other (please specify) - socio-economic disadvantage**

- Positive
- Neutral
- Negative

**Please give details:**

*Socio-economic status of the local area*

In 2015 Brent ranked 39<sup>th</sup> in England among local authorities according to the index of multiple deprivation (IMD). Brent has 173 lowest super output areas (LSOA) indicating that deprivation exists in concentrated pockets throughout the borough. The wards of Stonebridge and Harlesden rank in the top 25 most deprived wards of London boroughs.

Figures for average income across London boroughs were gained from the Median household income (CACI 2014) and the latest Diversity in Brent reports.

- In 2014, the median income in Brent is £31,601. Within London, Brent ranks as the 6th lowest borough in terms of median household income.
- Income varies widely from ward to ward. Stonebridge has the lowest median household income (£22,188) and Queen's Park has the highest (£41,423).
- Over one third of Brent's working age population are paid less than the London Living Wage, with Black African, Pakistani and Bangladeshi residents being much more likely to be paid less than the London Living Wage.

### *Consultation findings*

- 71.9% of residents and tenants tend to agree or strongly agree that licensing the PRS will help to preserve and improve the social and economic status of the local area
- 59.39% of landlords and managing agents responding to the consultation agree that tenants building up high levels of rent arrears is a problem
- 58.54% of landlords and managing agents responding to the consultation agree that the number of tenants claiming benefits is a problem.

**(Source: Brent SL Consultation 30 Sep -16 Dec 2016: 853 Residents, tenants and businesses; 205 Landlords and Managing Agents)**

### Homelessness

Brent has severe housing pressures and is taking a range of actions to address demand arising from homelessness and reduce reliance on temporary accommodation. As at September 2016 there were 2869 households in temporary accommodation, compared to a London average of around 1600, although this total is falling against an upward trend in London and the borough now has the fourth highest level of temporary accommodation occupancy, having had the highest level two years ago. In the year 2015/16, 1536 homelessness applications were processed, of which 709 led to acceptance of a housing duty. Of these, 382 were the result of the loss of a private sector tenancy.

The private sector therefore plays an important role in driving homelessness demand while also being a key source of temporary and permanent accommodation to meet it. Licensing can play a significant role in ensuring that the sector is well managed and provides settled and decent accommodation for Brent residents. During 2015/16, homelessness was prevented in 175 cases and the majority of these were resulted in sustaining existing or securing new tenancies in the sector.

It is also recognised that enforcement action in relation to licensing could lead to homelessness, although there is no evidence to suggest a disproportionate increase in homelessness applications directly arising from our current licensing activity. The council acts to secure the rights of tenants and provide advice and assistance as required.

### Overcrowding

Census data showed that while there has been a small reduction in overcrowding between 2001 and 2011 Census, in 2011 Brent still had the second highest level of overcrowding in England. On this basis, 17.7 per cent of households had an occupancy rating of -1 or worse; that is, lacking one or more bedrooms, as measured by the "bedroom standard". However, data at the local level is limited or anecdotal, particularly in relation to the private rented sector, and should be treated with caution.

We know, for example, that Eastern European groups are over-represented in the HMO overcrowding cases private sector enforcement deals with (see ethnicity pie chart in paragraph 5.6 above on race). Currently there is insufficient evidence on single family households.

*(Overcrowding Source: Brent Task and Finish Group Progress Report: Overcrowding and BAME Households – Equalities Committee 6<sup>th</sup> December 2016)*. In contrast to HMO licensing, a selective licensing scheme will not apply a condition in relation to the maximum permitted number of persons that are allowed to occupy the dwelling for sleeping purposes. Instead, wherever possible the Council will work with landlords to make properties fit for the number of number of tenants. However, when required, overcrowding is assessed under the housing, health and safety rating system (HHSRS). Where category 1 hazards are found action will be taken under Part 1 of the Housing Act.

**6. Could any of the impacts you have identified be unlawful under the Equality Act 2010? Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.**

- Yes
- No

**7. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal.**

1. The 2011 Census provides valuable information regarding Brent's population
2. A Selective Licensing consultation was undertaken with resident, tenants and businesses, landlords and managing agents, and other stakeholders including with neighbouring boroughs for 11 weeks between 30 September 2016 and 19 December 2016. The 'Draft proposal' to designate a wider Selective Licensing Scheme' outlined the reasons and was made available on the Council website. During the consultation period, there were on-line survey questionnaires available to all target groups. Forums and face-to-face meetings were held with resident community and landlords groups and landlord and tenant representatives. The consultation was promoted through a variety of channels and was undertaken in line with the relevant Government guidance and informed by the equalities analysis screening.
3. Brent Council Equalities Cabinet Committee Reports 2016
4. Business intelligence research was undertaken with respect to levels of migration and levels of deprivation in Brent.

**What did you find out from consultation or data analysis?**

See above. The relevant findings from the research, consultation and data analysis have been presented in the individual sections for each protected characteristic, including socio-economic status.

**Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?**

Yes. This was a borough wide consultation with audiences comprising Brent's residents, tenants and landlords. There were also various group representative forums as well as the voluntary sector forum.

1207 questionnaires were received including 855 from residents (included 227 tenants living in private rented accommodation), 205 landlords and managing and letting agents, and 147 other stakeholders. There was a demographic breakdown of responses received for each group. The communications report details the activities and channels that were used.

## **How did your findings and the wider evidence base inform the proposal?**

Where comments were received that related to protected equality groups or concerns raised on the groups of protected characteristics, these findings were analysed and compared against borough averages or related benchmarks.

## **Conclusion**

This analysis has concluded that, overall, it is anticipated that the extending of Selective Licensing is likely to bring about positive benefits to groups with protected characteristics, particularly those who are disadvantaged and who have little or no choice but having to rent in the private sector.

A key purpose of the scheme is to reduce antisocial behaviour which will benefit residents across all protected characteristics and particularly more vulnerable groups. From the consultation, 69.5% of residents and other stakeholders tend to agree that selective licensing will help reduce ASB.

Vulnerable groups will also benefit from overall improvements in management standards due to the ability of the Council to better identify those properties that are being rented privately and the improved ability to enforce standards to the whole of the sector.

In particular, BAME groups, new migrants, families with young children, disabled residents and vulnerable adults will benefit from better enforcement of licence conditions and of the Housing Health and Safety Rating System standards. All groups will benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers. Information would relate to such matters as changes in the law affecting the PRS, energy efficiency measures and grants availability, information on local organisations and agencies which may be able to provide support.

The Equality Analysis has identified some potential for adverse impacts, particularly for lower income groups, if landlords decide to increase rents, young people, migrants, single parents tenants may be particularly affected by this. However, based on our experience of licensing over the past 2 years and that of other Councils who have introduced selective licensing, we believe this unintended outcome is very unlikely to materialise.

There is an increased threat of homelessness for some residents should landlords decide to withdraw from the private renting sector altogether. To mitigate this, the proposal tries to minimise the cost of licences, including offering a discount for certain accredited landlords and minimise bureaucracy.

It is proposed that a major publicity campaign is launched when Selective Licensing is introduced to make tenants and landlords aware of their rights and obligations and what tenants can do if they are threatened with eviction. Specific actions are set out in more detail in the action plan below.

If Selective Licensing is introduced, it is intended to enforce the scheme robustly; to closely monitor the situation on an on-going basis and carry out a major review after the scheme has been in place for a year. Overall, it is felt that the benefits to groups with protected characteristics of this initiative will outweigh any potential negative impacts and that there are robust measures put in place to mitigate against negative consequences.

## **Outcome of Analysis**

Make adjustments to remove or minimise barriers and potential indirect implications identified by the assessment and enhance equality outcomes – please refer to the action plan outlined below.

## STAGE 3: ACTION PLANNING

This section details the responses and concerns raised as part of the consultation that relate to specific protected characteristics. It also outlines the proposed actions and initiatives that will be put forward to address these.

### Equality Characteristic: Age

#### **How Age was considered as part of the consultation process**

We know that people in the 24-34 and 35-44 age groups are over-represented in the PRS in Brent. Older people, typically over 65s will be less able to use online technology. To ensure maximum engagement leaflets were sent to all households. Many older residents attended Brent Connect forums. All landlords were contacted via mail outs. All email and social media channels were used to target younger groups. The general marketing campaign across the borough provided information on how people of all ages could take part in the consultation process. The Council undertook outreach work in shopping centres, libraries and other open public hotspots to invite people to take part in the consultation.

#### ***Breakdown of Consultation Participants by Age***

Overall the consultation was successful in reaching the tenant age group, landlords and older residents these being people most impacted by selective licensing.

- The figures for residents who are between 18-24 are perhaps not surprising as landlords are likely to be older and people of this age group are less likely to be householders and so will have less interest in selective licensing.
- The borough average of residents who are between 25-34 is 20%. This age group is the second most likely to be renting in the private sector according to the 2011 census figures.
- The borough average of residents who are between 35-44 is 15%. From all the residents who took part in the consultation 17% were in this age group. From all the landlords who took part in the consultation 19% were in this age group. This age group is the most likely to be renting in the private sector.
- The borough average of residents who are between 45-54 is 12%. From all the residents who took part in the consultation 21% were in this age group. From all the landlords who took part in the consultation 28% were in this age group. The consultation exercise received a higher than average response from residents in this age range and a significantly higher response rate from landlords from this age group.
- The borough average of residents who are between 55-64 is 6%. From all the residents who took part in the consultation 10% were in this age group. From all the landlords who took part in the consultation, 16% were in this age group.
- The borough average of residents aged over 61+ is 15%. From all the residents who took part in the consultation 23% were in this age group. From all the landlords who took part in the consultation, 17% were in this age group.

<p><b>What is the proposal's impact on the equalities aims?</b></p> <p>The proposal will potentially benefit all age groups.</p> <p>Figure 1 and Table 1 shows the private rented sector age by household member and responses age profile respectively. We expect the 25 – 44 age groups to directly benefit from better housing management standards. All properties that are granted a licence are expected to comply with the Housing Health and Safety Rating System standards (HHSRS) and the licensing conditions. This system includes reducing trips, slips and fall hazards which will be particularly relevant for older people who are more likely to suffer a serious injury from a fall.</p> <p>Figure 2 shows the wards where a long term health problem or disability is highest. Table 2 in the disability section shows From all the residents who took part in the consultation 13% of residents and 9% of landlords had a long term health problem or disability. The Council will be able to more accurately identify properties where landlords would qualify for grants to benefit older residents with disabilities. As part of the licensing proposal it is intended to promote energy efficiency, for example, by requiring up to date EPCs and raising awareness of energy efficiency and how to reduce fuel poverty. We expect our older residents to benefit from this since national statistics show they are more likely to suffer from fuel poverty.</p> <p>Recent research suggests that economic migration in Brent is increasing. According to Figure 1 high percentages of people living within the PRS are between 25 and 49 years of age making the PRS an important market for younger and more mobile people.'</p>	<p><b>What actions can be taken to remove or reduce the potential negative impacts that have been identified?</b></p> <p>If Selective Licensing is extended Brent Council will:</p> <ul style="list-style-type: none"> <li>• Set up a Landlord Focus groups</li> <li>• The licence fee will be set at a reasonable level (on a cost recovery basis) to minimise the likelihood that the charges be passed onto tenants through increased rent</li> <li>• Carry out training sessions for landlords on tenancy issues</li> </ul>
	<p><b>What actions can be taken to enhance the potential positive impacts that have been identified?</b></p> <ul style="list-style-type: none"> <li>• PHS will develop a PRS tenants newsletter on our website</li> <li>• Promote the presence of the PHS webpage for landlords and tenants of private rented properties with information and updates</li> <li>• Promote our quarterly electronic landlords newsletter to all landlords</li> <li>• Develop a tenants charter which will include information on both rights and responsibilities for tenants</li> <li>• Signpost and give advice to landlords and tenants on the Well Being and other services which are available in the borough for vulnerable residents.</li> <li>• Information will be made available in other formats for those without access to the internet or social media, for example through leaflets, use of print media including the Brent Magazine and through the landlord forum and other events.</li> </ul>
<p><b>Comments received from consultation relating to Age</b></p> <p>'Calls for more community projects to help young people avoid engaging in anti-social behaviour". (Free text comment from questionnaire)</p> <p>-----</p> <p>-----</p>	<p><b>Explanation how any remaining negative impacts can be justified?</b></p> <p>N/A</p> <p><b>Council's response</b></p> <p>The council provides many projects for young people. The council will consider how best to publicise any available or newly created projects and initiatives to ensure that they are accessible to all.</p> <p>-----</p> <p>-----</p> <p>We recognise that some young professionals prefer to rent. However a proportion of other professionals and students live in the PRS. Students living away from home</p>

<p>“In London, the private letting mainly deal with working professionals and students at colleges, they are as responsible as any home owners in London, they work hard to pay for their life style and rent. There is no correlation between them and anti-social behaviour”.</p> <p>(Individual response - Email 23/10/2016 21:47)</p>	<p>are more likely to be occupying shared houses rather than single family households. Properties with less than 3 tenants will come under the scheme if licensing is introduced. Properties managed by certain educational establishments may be exempted from licensing.</p>
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**Characteristic: Disability**

**How Disability was considered as part of the consultation process**

The proportion of Brent residents who felt that they had good health increased from 70.2% in 2001 to 82.9% in 2011. Also from the Census 2011, 1 in 7 (14.5%) Brent residents considered that their health had a limiting impact on their day to day activities. This is comparable to the rate for London (14.2%) and 3.4% lower than the rate for England and Wales. In February 2014, 0.8% (1,650 people) Brent residents of working age - aged 16 to 64 - were claiming disability benefits (Nomis). This rate was only slightly lower than the rate for London, 0.9%. It is recognised and acknowledged that some perpetrators of anti-social behaviour have mental health problems. There is a link between mental health problems and drug/alcohol misuse for both perpetrators and complainants. Community safety departments in London boroughs are reporting that a significant proportion of ASB cases they are dealing with will have a mental health dimension. That is to say that either or both the complainant and alleged perpetrator have mental health support needs. (London Council's ASB and Mental Health Needs Jan 2014)

***Breakdown of Consultation Participants by Disability***

Table 2 is an analysis of the consultation results and indicates that 70% of Brent's residents and 82% of landlords did not have a long standing illness or disability. As a further comparison, the disability profile of consultation respondents (13%) is broadly reflective of the Borough average. A below average response was received from all landlords who took part in the consultation, with 9% disclosing they had a disability or a long-term health condition. There is no disability borough average for landlords but it is noted that 17% of the landlords who took part in the consultation are in the 61+ age group.

Direct publicity methods were used in addition to the online questionnaire and web based consultation to ensure disabled housebound residents and landlords can have their say. The Brent Connect communications were specifically targeted at residents in the Harlesden, Stonebridge, Dollis Hill, Welsh Harp, Fryent, Willesden Green etc.; wards which we know have the highest percentages of PRS households with disabilities or long-term health conditions.

<p><b>What is the proposal's impact on the equalities aims?</b></p> <p>Sources indicate that people suffering from a disability or mental health are more likely to be perpetrators or victims of ASB and live in poor housing conditions. People with disabilities may feel vulnerable to retaliatory practices which will mean that they may be less likely to complain to the Council.</p> <p>Licensing will make it easier to identify PRS properties and so to be able to give information and advice to landlords, particularly around good management practices and support services available to</p>	<p><b>What actions can be taken to remove or reduce the potential negative impacts that have been identified?</b></p> <p>If Selective Licensing is extended Brent Council will:</p> <ul style="list-style-type: none"> <li>• Assist tenants with legal advice and signpost them to relevant support services available to them</li> <li>• Develop a tenant displacement and rehousing protocol</li> <li>• Provide information and advice on adaptations and grants available to fund these</li> <li>• Provide communication with and support provided to tenants with Learning Disabilities, Mental Health needs, BSL users?</li> </ul> <p><b>What actions can be taken to enhance the potential positive impacts that have been identified?</b></p>
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<p>vulnerable groups.</p>	<p>If Selective Licensing is extended Brent Council will:</p> <ul style="list-style-type: none"> <li>• Set up a facility for licensed landlords and tenants to report rogue landlord/agent activity this will particularly benefit disabled residents who are more concerned about ASB.</li> <li>• Give advice to landlords and tenants on the services that are available across the borough for vulnerable residents. This will particularly benefit people with learning disabilities or dealing with substance/alcohol misuse or needing physical adaptations</li> </ul> <p><b>Explanation how any remaining negative impacts can be justified?</b></p> <p>While landlords are legally able to seek possession where persistent ASB occurs, every effort will be made to support the tenant and their landlord to ensure that timely support has been put in place to prevent eviction or displacement. Translation and interpreting services, including BSL, and alternative formats where required.</p>
<p><b>Comments from consultation relating to disability</b></p> <p>“Landlords are usually not experienced in social care and do not have the professional capacity that would allow them to be able to resolve tenants’ mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. ASB, noise nuisance), even if the tenant has the above issues, a landlord ending the tenancy will have dispatched their obligations under the discretionary licensing scheme. However, in reality, this just moves the problems around Brent, but does not actually help the tenant, who could even become lost within the system”. (NLA written submission)</p> <p>“The documentation provided fails to indicate that sufficient funding will be available to support the functions necessary to support licensing in cases involving re-housing, tenants with mental health issues and social inclusion”. (NLA written submission)</p>	<p><b>Council’s response</b></p> <ul style="list-style-type: none"> <li>• The licensing conditions proposal sets out some actions which landlords must take to address ASB. We accept that where tenants have mental health issues that we must take this into consideration and additional support may be needed.</li> <li>• If Selective Licensing is introduced, the scheme and this EA will be reviewed at least annually</li> <li>• We will continue to promote our information to landlords and tenants about disabled adaptations</li> </ul> <p>These support mechanisms will need to be funded by other means and we will be working in partnership with internal teams e.g. Housing Needs, Adult Social Care and with our Legal Partners SSP Laws, as well as voluntary agencies such as A4R and Shelter UK</p>

## Characteristic: Race

### **How was race considered as part of the consultation process**

Brent is one of the most diverse local authorities in London and the UK. In the 2011 Census, 63.7% of the population were black, Asian and minority ethnic (BAME). By contrast, 14% of people in England and Wales and 40% of people in London were BAME. The largest ethnic groups in Brent were Asian: Indian or British Indian people (18.6% of Brent's population compared to 8.8% of the Outer London population) and White: English/ Welsh/ Scottish/ Northern Irish/ British people (18.0%). Brent had a higher proportion of the following ethnic groups than London and nationally: Black African people (7.8%), Black Caribbean people (7.6%), White Irish people (4%), Arab people (3.7%), White Polish people (2.9%) and White: Other Eastern European people (2.1%). 0.1% of Brent's population were White: Gypsy or Irish Traveller which was on par with London and national figures.

A more recent look at the 2016 profiles shows below that overall: White 35%, 36% are Asian, 21% are black and 18% are aged 65 and over;

- 33% of people under 18 are black and 26% of under 18s are white
- 34% people aged 65 and over are black and 44% people aged 65 and over are white
- 26% children under 5 are Asian

Figure 3 shows how ethnicity groups are represented in the private rented sector in Brent. The multi-ethnic groups, including ethnic minority groups and residents with English as a second language.

### **Results of the consultation relating to race**

Table 5 shows the results of the consultation and compares the results with the borough averages for the race (20%), Black residents (7%) and Black landlords (3%) responded to the consultation at a level that was well above the borough average respectively. There was a good response from residents and landlords who make up the other ethnic groups.

### **What is the proposal's impact on the equalities aims?**

Licensing has the potential to drive up standards which will benefit new / emerging communities and minority ethnic groups as they are over-presented in the PRS, and notably young people under 18s, large families and families with children under 5s. These groups are also likely to be vulnerable, on low income and may be attracted to properties which are in a poorer condition.

According to the 2016 Country of Birth profiles, Brent has, 44% born in the UK, 18% Europe, 23% Asia, 10% Africa and 4% in North/South & Central America.

Brent has a growing EU population comprising; Old EU 7.2% Accession Countries 5.9% Bulgaria and Romania 3.1% Other Europe 2.1%. "White other" Residents from EU accession countries are the most likely group to rent privately and so will benefit from improvements in this sector.

149 languages are spoken in Brent. In 1 in 5 households nobody speaks English as their main language. Licensing will help landlords in understanding their responsibilities and assist tenants in understanding their rights.

Considering the link between low pay and ethnicity

### **What actions can be taken to remove or reduce the potential negative impacts that have been identified?**

- The Landlord Focus Group to look at issues and support for vulnerable and other tenants. Particular efforts will be made to include BAME landlords.
- Review the enforcement policy to ensure that licensing enforcement is fair and proportionate.
- We will review and improve our landlord training provision
- A signposting leaflet to be produced in different languages that the Private Sector Licensing can hand out when coming into contact with Eastern European residents and other residents whose first language is not English.
- The service will also register for the phone interpreting service so that officers can have immediate access to an interpreter when engaging with residents with limited English.
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<p>in London, BAME groups, notably Black Africans (41%) and Black Pakistani or Bangladeshi (43%) are paid less than the Living Wage within ethnic groups. (Brent 2106 diversity profiles). The consultation responses suggest that landlords may seek to pass on the costs of licensing to their tenants in the form of rent increases. Where this occurs it may present an economic burden to ethnic tenants who are more likely to be on low pay.</p> <p>Our survey of PHS successful prosecutions 2016 in figures 8 a-c shows that most prosecution are against Asian landlords and agents and EU migrant tenants are mostly affected.</p>	<p><b>What actions can be taken to enhance the potential positive impacts that have been identified?</b></p> <p>Undertake compliance checks within the licence period. This would be helpful for people where English is not their main language to ensure that their tenancy management is adequate.</p>
<p><b>Comments from consultation relating to race</b></p> <p>There were no specific comments made in relation to race or ethnicity</p>	<p><b>Please explain how any remaining negative impacts can be justified?</b></p> <p>Licensing is likely to see an increase in enforcement action against BAME landlords. Landlord training and accreditation is made available to landlords. Enforcement will be in line with our private housing enforcement policy.</p> <p><b>Council's response</b></p> <p>N/A</p>

<p align="center"><b>Characteristic: Socio-economic status</b></p>	
<p><b>How was Socio-economic status considered as part of the consultation process</b></p>	
<p>In 2014, the median income in Brent was £31,601. Within London, Brent ranked as the 6th lowest borough from ward to ward. Stonebridge has the lowest median household income (£22,188) and Queen's Park has the highest. Brent has 173 lowest super output areas (LSOA) indicating that deprivation exists in concentrated pockets throughout the borough. Within ethnic groups (London) 27% of Black Caribbean, 41% of Black African and 44% of Pakistani or Bangladeshi. 33% of Brent's working population are paid less than the London living wage of £9.40 per hour</p> <p>Full time male workers earn £39.40 more a week than their female equivalent (Brent)</p> <p>The consultation was designed to reach the widest target groups and to enable people on low incomes and those socially marginalised to be able to take part in the consultation.</p> <p><b>Results of the consultation relating to Socio-economic status</b></p> <p>The consultation asked certain questions relating to the Socio-economic status of the local area. The responses drawn were:</p> <p>71.9% of residents and tenants tend to agree or strongly agree that licensing the PRS will help to preserve and improve the social and economic status of the local area</p> <p>59.39% of landlords and managing agents responding to the consultation agree that tenants building up high levels of rent arrears is a problem</p> <p>58.54% of landlords and managing agents responding to the consultation agree that the number of tenants claiming benefits is a problem</p>	
<p><b>What is the proposal's impact on the equalities aims?</b></p> <p>In addition to having to pay for their property licences, landlords may need to carry out repairs to their rented</p>	<p><b>What actions can be taken to remove or reduce the potential negative impacts that have been identified?</b></p> <p>The licence fee structure to be set to reduce the need for costs to be passed on to tenants</p>

<p>properties as well as to take steps to improve their management skills.</p> <p>Tenants on low incomes and socio-economic status will especially benefit from improved property conditions thus affording a similar good standard of renting as people of better socio-economic status.</p> <p>Licensing should bring about a reduction in ASB and an improvement in the condition of local areas, especially in the wards with the highest incidences of ASB, enviro-crime and police recorded crime.</p> <p>Selective licensing should bring about more stable tenancies by being able to support tenants and landlords experiencing rent and debt problems and to reduce claims for possession, homelessness and mental distress</p>	<p>Provide information within the PHS landlords newsletter on dealing with tenant rent arrears Signpost affected tenants to local organisations that can support them</p> <p><b>What actions can be taken to enhance the potential positive impacts that have been identified?</b></p> <p>Set up links with tenants and landlord advice representatives to identify and address their needs, particularly in relation to debt, rent arrears and homelessness Formulate and agree a suite of indicators to measure and report on socio-economic performance</p> <p><b>Please explain how any remaining negative impacts can be justified?</b> N/A</p>
<p><b>Comments from consultation relating to Socio-economic status</b></p> <p>“Licensing fees costs will be passed on to tenants in the form of rent”</p> <p>“ Greater help for landlords to evict tenants”</p> <p><i>(Consultation questionnaire free text)</i></p> <p>“Lenders see licensing as a risk to their investment because of the ASB stigma attached to licensed areas and this is seen as a risk to the property value and leads to mortgages being rejected”</p> <p>“The scheme will lead to further displacement of problem tenants in Brent/London”</p> <p>“The documentation provided fails to indicate that sufficient funding will be available to support the functions necessary to support licensing in cases involving rehousing, tenants with mental health issues and social exclusion”</p> <p><i>(NLA written submission)</i></p>	<p><b>Council’s response</b></p> <p>Judging from our experience with the existing licensing schemes in Brent and in other boroughs we believe it is very unlikely that licensing costs will be passed on the tenants. The licensing fee will be set at a level designed to cover the functions related to an SLS in order to minimise the burden on landlords.</p> <p>Though some lenders may be reluctant to lend in licensable areas, there are several products available on the market for investor landlords.</p> <p>The Council has commissioned research on the impact of licensing on tenants and will further consider the recommendation of the research report</p> <p>If selective licensing is extended in Brent the council will be committed to reviewing the licensing scheme and this EA at least once annually.</p>

## EA Sign off

Role/Position	Name/signature	Date
EA author – PHS Licensing Manager	Tony Jemmott	10 <sup>th</sup> April 2017
Head of Private Housing Service	Spencer Randolph	
Strategic Director of Community and Wellbeing	Phil Porter	