

Full Equalities Analysis Assessment

| 1. Proposal Summary Information | |
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| EAA Title | Private Rented Sector Licensing Proposals |
| Please describe your proposal? | Scheme |
| Is it HR Related? | No |
| Corporate Purpose | Cabinet Report Decision |

1. What is the Scheme looking to achieve? Who will be affected?

- 1.1 This scheme is intended to improve property conditions and reduce ASB in Ealing's private rented sector (PRS). To achieve these objectives it is proposed that the following are introduced:
- a. A renewed boroughwide additional licensing scheme for Houses in Multiple Occupation (HMOs) and,
 - b. A renewed selective licensing scheme (known as Selective Licensing Designation 1) in the three ward areas (pre-May 2022 boundaries) of East Acton, Southall Broadway and Southall Green. Properties which meet the criteria of these schemes would be required to be licenced for a period of up to 5 years.
- 1.2 Tenants and landlords of both HMOs and other private rented properties in the aforementioned wards will be directly affected as the new policies should ensure that the condition of properties is improved. Unfortunately, information as to the demographics of tenants and landlords is currently incomplete. People with each of the nine protected characteristics are however highly likely to fall within the broad category of private renters. Whilst there are fewer landlords than tenants, it is also likely that most of the protected characteristics are also represented amongst this cohort. Information on the demographics of households living in private rented accommodation is however available via the national decennial census.
- 1.3 The landlord or managing agent will be required to pay a licence fee for each property requiring a licence in the designated area. The proposed additional licensing fee is £1100 per HMO plus an additional £50 for each habitable room. The proposed selective licencing fee is £750. Tenants and landlords may be concerned that they will be made to bear the additional cost of any further licensing administration. However, there is no evidence to suggest that the current licensing schemes have had negative financial impacts on the areas in which they operate. Furthermore, a recent independent review (Use and Effectiveness of Selective Licensing) commissioned by the MHCLG (now DLUCH) determined there was no substantive evidence of rent rises being passed on to tenants due to the introduction of selective licensing.
- 1.4 To acquire a licence the landlord/ managing agent must be determined fit and proper for the purposes of the Act. To make this decision, the Council must take into account:
- Any previous convictions relating to violence, sexual offences, drugs and fraud;
 - Contravention of any law relating to housing or landlord and tenant matters;
 - Whether the person has been found guilty of unlawful discrimination;
 - Whether the person has contravened any Approved Code of Practice.
 - Whether a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.
- It is consequentially anticipated that discrimination in the private rented sector should be decreased through ensuring that licence holders are 'fit and proper'.
- 1.5 Overall, the scheme is expected to have a positive impact on people with any/none of the protected characteristics who are negatively affected by the poor repair; antisocial behaviour, discrimination and/or overcrowding relating to the borough's private rented sector.

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1.6 An additional positive impact of the scheme is that of increased awareness in tenants on the minimum standards to be expected in rented accommodation and greater understanding of their rights and responsibilities which will in turn lead to improved protection for vulnerable groups living in the PRS.

2. What will the impact of your proposal be?

Size of Ealing Borough's Private Rented Sector

- 2.1 Ealing's population in 2018 was estimated to be 346,908 in 2018 and is projected by the GLA to increase to 398,308 by 2031.
- 2.2 Since the 2011 Census the tenure structure of residential properties has markedly changed with higher numbers than ever now believed to be renting privately. Census figures for 2011 show that in Ealing 23% of households rented privately. However, a recent stock modelling exercise commissioned by the Council reveals that now, 38.1% of housing stock is now rented privately which exceeds the national average (19%).
- 2.3 The projected increase in population coupled with a shortage of affordable housing suggest that private renting will continue to increase for the foreseeable future, being the only option available for many residents including those who are vulnerable and on low incomes.

The Current Licensing Position

- 2.4 In accordance with national government legislation Ealing Council is obliged to operate mandatory HMO licensing, which essentially covers rented properties occupied by five or more persons in two or more households. Through this scheme 1,546 HMO licences have been granted. These properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. Mandatory HMO licensing operates indefinitely.
- 2.5 The Council also regulates a boroughwide additional HMO licensing scheme which requires most other smaller HMOs to be licenced with the Council. The scheme includes two storey HMOs occupied by four or more persons in two or more households, and some so-called "section 257" HMOs which are buildings poorly converted into self-contained flats/studios. Through this scheme 870 additional HMO licences have been granted. Like with mandatory HMO licensing, these properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that HMOs remain prevalent in Ealing's PRS, accounting for 15% of Ealing's PRS. Poor housing conditions and ASB are also present in Ealing's HMOs, with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard. Nearly half (40.3%) of all ASB stemming from the PRS came from HMOs. The Council also continues to receive large numbers of complaints of poor conditions in HMOs. Should the additional licensing scheme not be renewed, the Council will no longer be able to proactively regulate these HMOs.
- 2.6 The Council also introduced its first selective licensing which became operative from 01 January 2017. Selective licensing applies to all private rented property not licensable under any HMO licensing scheme. It currently operates in five wards: Acton Central, East Acton, South Acton, Southall Broadway and Southall Green. Through this scheme currently 8,811 selective licences have been granted. Like with HMO

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licensing, these properties have a specified maximum number of occupants but the conditions are slightly different to licensed HMOs. Landlords still need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that poor conditions remain present in Ealing's PRS, including in the wards currently subject to selective licensing. Most wards are predicted to have a high proportion of dwellings containing at least one serious (category 1 HHSRS) hazard, higher than the national average (13%).

2.7 The Council also continues to receive large numbers of complaints of poor conditions in the PRS. Should selective licensing not be renewed, the Council will no longer be able to proactively regulate much of the PRS.

The Proposed Licensing Position and Impact of the Schemes on Tenants

2.8 As already mentioned above, the proposal is to:

- a. Renew additional HMO licensing boroughwide, but to widen its scope to cover all HMOs occupied by three or more persons (in two or more households)
- b. Renew selective licensing but in two distinct designations, The first designation (known as Selective Licensing Designation 1) will cover the ward areas (pre May 2022 boundaries) of East Acton, Southall Broadway and Southall Green which are considered to have the highest prevalence of housing hazards. A second designation, if introduced later in 2022, could see the introduction of selective licensing in a further 12 wards also considered to have high rates of housing hazards. These wards are Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton. Eight wards have not been included as they do not contain the high proportion of housing hazards seen elsewhere in Ealing.

2.9 Since the introduction of the existing schemes 2,416 HMO licences and 8,811 selective licences have been granted.

| LICENCE TYPE | APPLICATIONS RECEIVED | LICENCES GRANTED |
|--------------|-----------------------|------------------|
| MANDATORY | 1,734 | 1,546 |
| ADDITIONAL | 1,022 | 870 |
| SELECTIVE | 9,337 | 8,811 |
| TOTAL | 12,093 | 11,227 |

2.10 It is estimated that there are in the region of 8360 HMOs in the borough; and a total of 54,776 private rented dwellings. In the three wards where Selective Licencing Designation 1 is proposed, there is an estimated 10,862 private rented dwellings that would fall within scope of the schemes (Metastreet Ltd, 2021).

2.11 It is believed that the renewal of these schemes would serve to reduce inequalities, through raising the standards of poor quality housing of some of the most deprived households in the borough; through reducing overcrowding and the risk of antisocial behaviour; and through vetting landlords to ensure they are 'fit and proper'.

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2.12 Raising the standards of private rented accommodation will benefit tenants, including those from the protected groups, across the borough. Licensing raises the profile of housing standards and may encourage tenants to seek help where they may not have done previously.

Statutory consultation

2.13 As required by the Housing Act 2004, the Council undertook a statutory consultation on its licensing proposals between 10 May and 16 August 2021. The consultation was publicised via a wide variety of digital and non-digital methods to ensure as many people as possible were able to participate in the consultation. The consultation was promoted via methods including a press release, leaflet drop, magazine article and newspaper adverts, social media advertising, direct emails and letters, radio adverts and posters on phone kiosks and buses. Persons were able to submit their views and comments on the proposals via an online survey, public meetings and through a dedicated email and telephone line. The consultation was operated by HQN, and independent housing consultancy. For the online survey, respondents were able to declare personal characteristics such as their age, disability status, gender, sexual orientation, marriage/civil partnership status, pregnancy status, religion and ethnic group.

2.14 The main finding from the consultation was that tenants and residents were much more in favour of the proposed new licensing schemes than landlords and lettings agents.

2.15 The results of the statutory consultation have been considered within this equalities analysis.

The Proposed Licensing Position and Impact of the Schemes on Landlords

2.16 The MHCLG's (now DLUCH) 2018 English Private Landlord Survey contains some demographic information on landlords in England, concluding that landlords were, on average, 57 years old with 89% of landlords identifying as White, 4% Indian, 2% Black, 1% Pakistani or Bangladeshi and the remaining 4% as "Other". However, given how widely local property markets vary (especially in London boroughs) it is not possible to draw conclusions on how this national data compares to Ealing. Landlords who operate in Ealing consist of a mix of persons/companies resident in the borough, in London or further afield in the UK or overseas. There is no data at borough level that shows the demographic make-up of Ealing's landlords, however it is expected that many will be within the protected groups.

2.17 A recently statutory consultation exercise revealed that landlords were generally opposed to the renewal of the licensing schemes for various reasons including perceived costs and bureaucracy. Where landlords fall within any of the protected groups and require assistance with the application process this will be provided by the Property Regulation Licensing Administration Team. In terms of the proposed licence fees for the schemes, a number of discounts will be made available to landlords in certain circumstances, such as discounts for early application submission or membership to recognised trade bodies. The licence fee will be payable in two instalments. Licensed landlords will benefit from support and advice from the Council in regard to any changes or developments in relevant housing laws.

2.18 As with the current licensing schemes, enforcement of the renewed schemes will be intelligence-led and targeted towards the worst or so-called "rogue" landlords operating at the lowest standard and least likely to apply for a licence. In recognition of good landlords who will comply with the requirements of the schemes, various discounts on fees will be offered in relation to good practices such as being accredited, having an EPC certificate rating of C and above and applications being submitted early. Additional charges will be imposed in relation to late applications and failure to submit required safety documents, such as for gas, electrical and fire provisions.

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2.19 It is believed that the renewal of the schemes may pose a marginal risk of landlords exiting Ealing's private rented sector and causing a reduction in the number of properties available in the market. However evidence from Ealing's previous schemes and other authorities who have introduced similar schemes suggests that this will not happen. Due to Ealing's desirability as a location, very high demand with good links to central London, and cross rail development it will still be viewed as an area in which to invest. Therefore new landlords will enter the PRS balancing out those who exit. Furthermore, over the past few years we have seen many new-build properties come straight onto the rental market, indicating that Ealing is a place where landlords wish to invest. We will however monitor carefully the impact on homelessness in the PRS and the impact on protected groups as part of any review process of the implemented schemes, and work closely with colleagues in other teams such as the homeless service to sign-post any persons who may be affected.

Poor Quality Housing

2.20 Ealing's private rented sector is currently thought to represent 38.1% of housing in the borough (Metastreet Ltd 2021). This is considerably higher than the national average 19%.

2.21 Poor housing conditions are considered to be present throughout the private rented sector in Ealing, with 12,063 dwellings predicted to have at least one serious (category 1 HHSRS) hazard. This represents 22% of Ealing's private rented sector, which is higher than the national average of 13%. Overcrowding in private rented accommodation has increased to 7% of all renters nationally, compared to 3% for all households. The proportion of overcrowded households in private rented accommodation is expected to be higher in Ealing than nationally. Overcrowding not only has a detrimental affect on the mental and physical health of persons (including impacts on children's education) but puts strain on the property exacerbating hazards and poor housing conditions. Nationally ethnic minority households are also more likely to be overcrowded with 11% of all ethnic minority household estimated to be overcrowded.

2.22 Multiple occupation often represents a higher risk to those persons living in such a property, and as a consequence the government has created additional legal provisions to regulate the safety and suitability of such accommodation. Poor conditions are even more prevalent in HMOs with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard (Metastreet Ltd 2021). Traditionally, these properties are viewed as the worst in the rented sector for safety, facilities, repairs and harassment of occupiers. ASB is also more prevalent in HMOs, with 40.3% of all ASB incidents stemming from the private rented sector coming from HMOs.

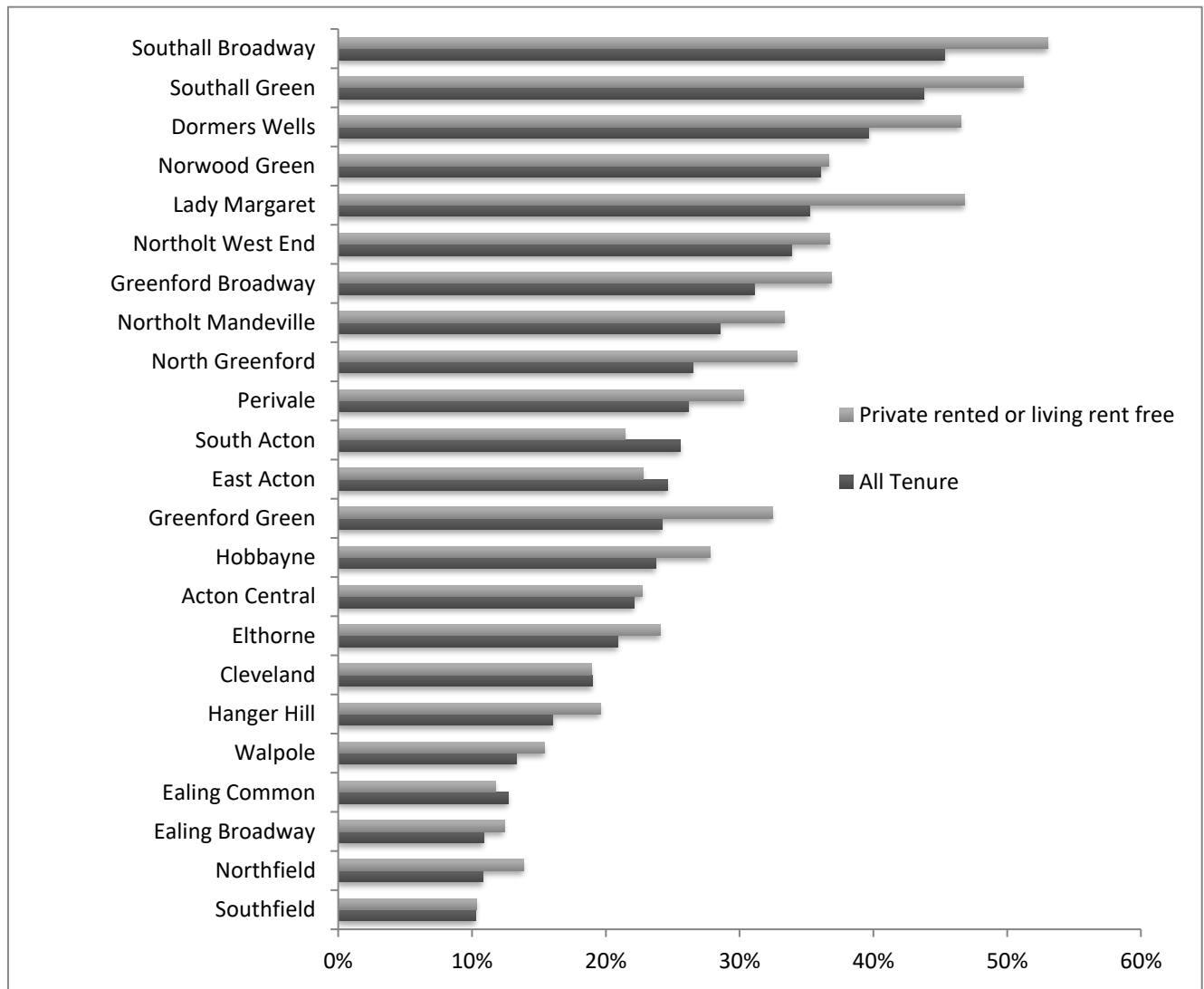
Deprivation and Social Class by Tenure

2.23 HMOs are an important and integral part of the housing supply, and meet the demands of a whole range of residents. Often HMOs are occupied by people living on low income many of whom are part of vulnerable or disadvantaged groups. Overall households in Ealing that live in private rented accommodation are marginally more likely than those living in other tenures to be unemployed or in lower grade occupations. However, borough level figures mask the marked disparity of tenure by social class visible at ward level which is illustrated in the graph overleaf.

2.24 In almost all wards in Ealing Borough, and particularly those in Southall, Social Class DE households are over-represented in private-rented accommodation. East Acton, Ealing Common and South Acton wards are the exception to this, perhaps attracting more young professionals choosing to rent properties with good transport links. Percentages private renting in South Acton are also lower due to the higher percentages living in social rented accommodation there.

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Percentage of Private rented/ Living rent free households that are Social Classes D and E against the percentage of All households that are Social Classes D and E in Ealing wards, 2011 Census, ONS



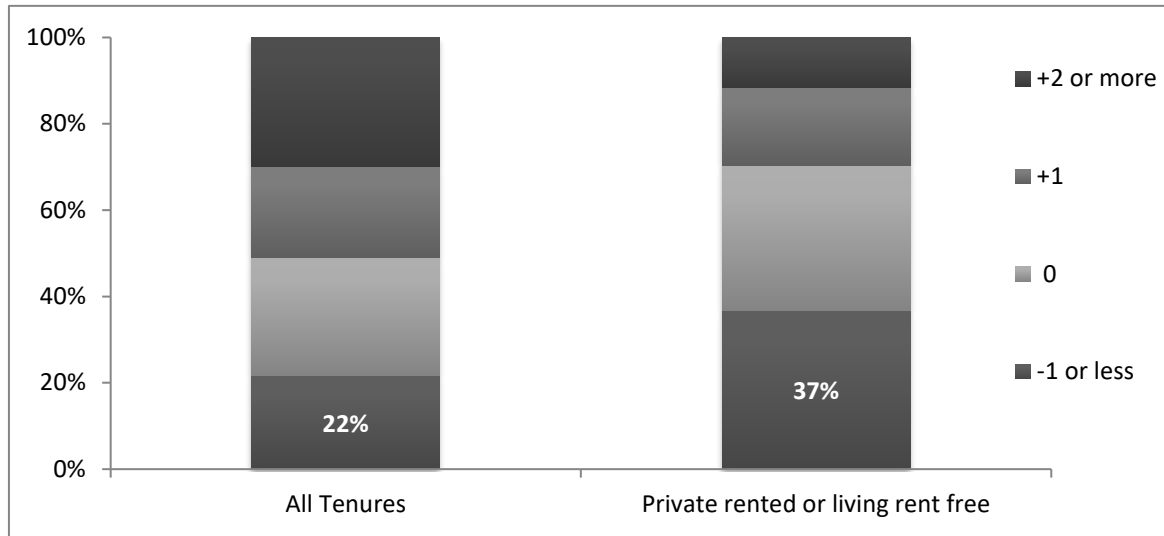
Overcrowding by Tenure

2.25 Households living in private rented accommodation are more likely to be overcrowded than those living in other tenures. Occupancy rating (rooms) provides a measure of whether a household's accommodation is overcrowded or under occupied based on the number of rooms. The ages of the household members and their relationships to each other are used to derive the number of rooms they require, based on a standard formula. The number of rooms required is subtracted from the number of rooms in the household's accommodation to obtain the occupancy rating. An occupancy rating of -1 implies that a household has one fewer room than required, whereas +1 implies that they have one more room than the standard requirement.

2.26 Evidence shows that overcrowding is considerably more common in the private rented sector than other tenures; the percentage of private rented/living rent free households in Ealing borough which have one fewer room than the standard requirement is 37% but across all tenures in Ealing borough it is just 22%. The graph overleaf illustrates this point.

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Percentage of Private rented/ Living rent free households that have an occupancy rating of -1 or less against the percentage of All households in Ealing Borough, 2011 Census, ONS



Antisocial Behaviour

2.27 It is probable that overcrowding is a contributor to the levels of noise reported in these accommodations. Multiple administrative data sources show that Council reported ASB and poor housing conditions are increasing over time.

Health benefits

2.28 Addressing poor housing conditions will help to improve health and wellbeing, reduce health inequalities, and prevent and reduce demand for primary health care and social care interventions, including admission to long-term care settings. This will produce a quantifiable cost saving to health and social care budgets (<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>). A healthy home is also recognised as essential to health and wellbeing, throughout life and is a wider determinant of health (<https://www.gov.uk/government/publications/improving-health-through-the-home/improving-health-through-the-home>

2.29 The Covid-19 pandemic has also shown correlations between susceptibility to the virus and poor-quality housing and overcrowding (https://www.health.org.uk/news-and-comment/blogs/emerging-evidence-on-covid-19s-impact-on-health-and-health-inequalities?gclid=EAIaIQobChMI_tmpovCI9AIVCLbtCh0VqgCIEAAYASAAEgIZvD_BwE). Therefore, good quality housing can do much to help combat the spread of Covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.

Educational attainment

2.30 It is also well understood that poor housing conditions and overcrowding have a negative impact on educational attainment. This in turn impacts on an individual's ability to reach their full potential. It is expected that licensing, by reducing overcrowding, will assist the council and partners in achieving objectives in improving educational attainment and residents achieving their full potential, further reducing inequalities.

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2. Impact on Groups having a Protected Characteristic

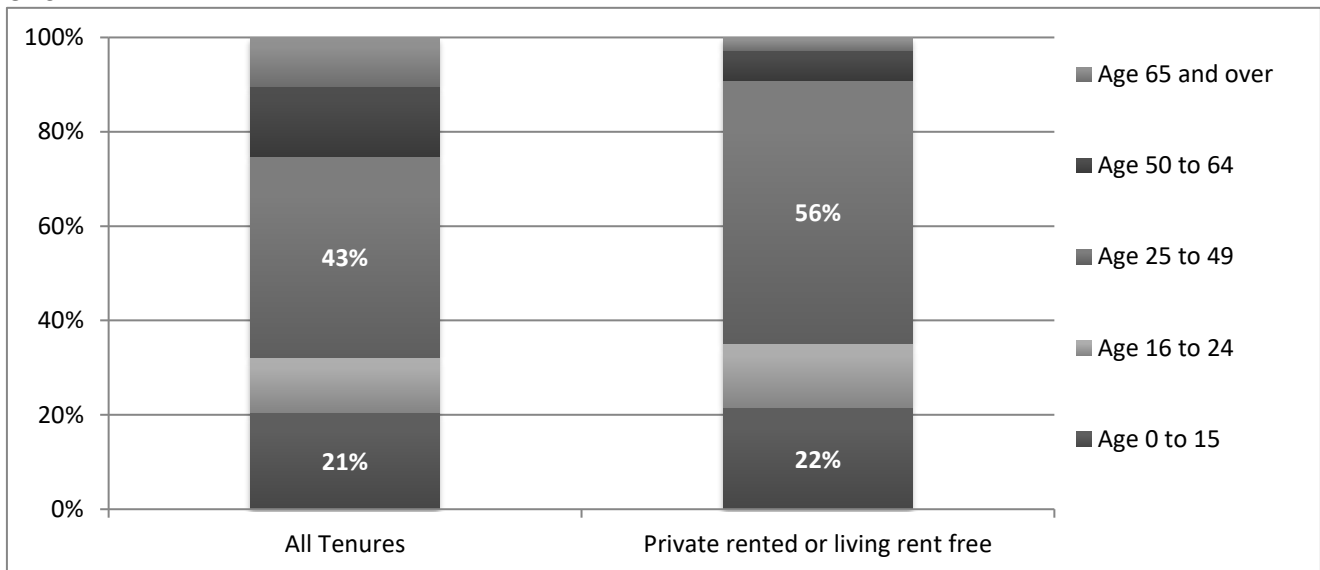
AGE: A person of a particular age or being within an age group.

State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

Middle-aged people are over-represented in private rented accommodation in Ealing Borough, and particularly those below pensionable age. Those aged 25 to 49 years are particularly over-represented comprising 56% of those in rented accommodation but just 43% of the overall population. The main factor here is that those aged 65 years and over are most likely to own their home.

Age distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Within these overall figures it is unclear the extent to which younger people live in smaller and poorer quality rental accommodation than those who are middle aged; but it would be quite plausible that this is the case. In addition to this under 35-year olds applying for Housing Benefit are only entitled to the Single Room Rate and therefore tend to occupy more affordable shared or HMO accommodation within the private sector rental market. At the time of the 2011 census there were 13,893 young adults aged 16 to 24 years living in Ealing borough's private rented/rent-free accommodation.

Overall, whilst a greater proportion of middle aged people live in private rented accommodation than other tenures, it is probable that younger adults are most likely to be living in the smallest and poorest quality rented accommodation. It is therefore probable that younger people will disproportionately benefit from this scheme. Due to greater physical vulnerability, younger and older residents are likely to benefit from better housing quality in terms of their health, and any identified measures to tackle poor energy efficiency during assessment of properties.

It would seem that this scheme is likely to help reduce the inequalities of housing quality between people of different ages.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

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The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

DISABILITY: A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.

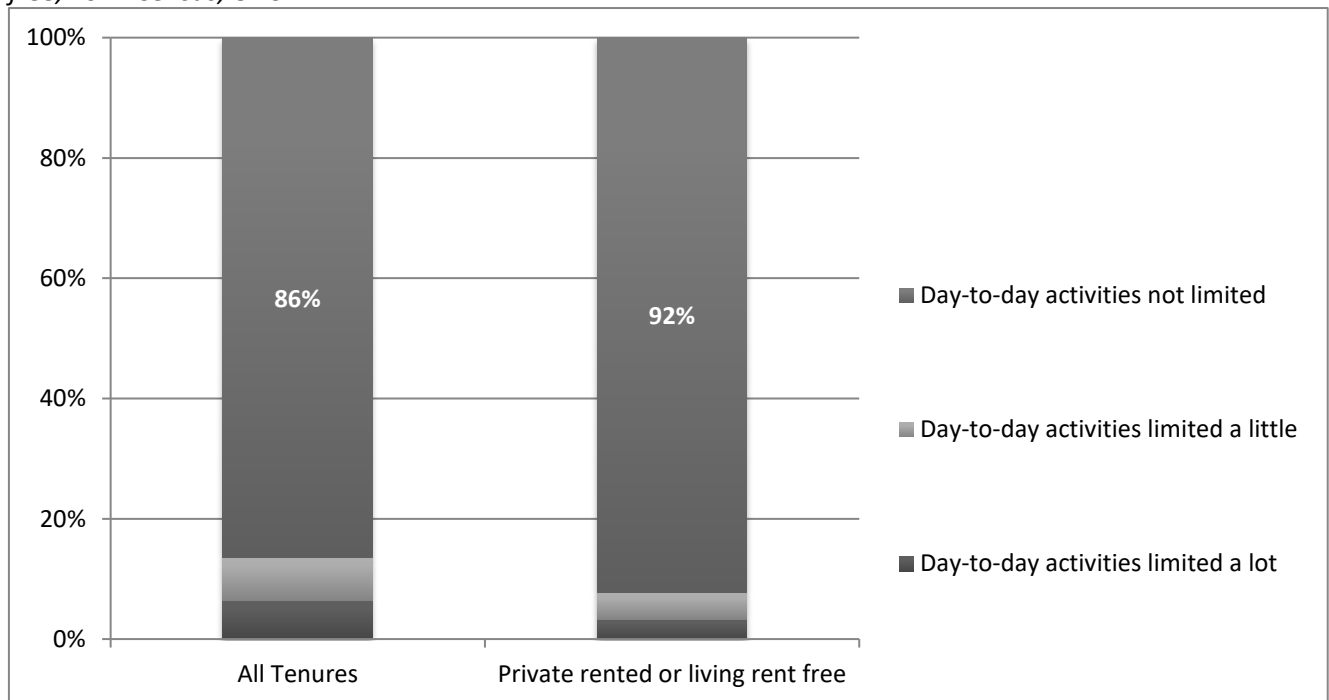
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

As a rule the private rented/living rent free sector has a smaller proportion of people with long term limiting illnesses than other tenures. This is perhaps a consequence of there being fewer older people in private rented accommodation than average.

At the time of the 2011 census there were 3,423 people whose day-to-day activities are limited a lot by a long term health problem or disability living in private rented/ rent-free accommodation in Ealing Borough.

Long term health problems or disability of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Proportionally the scheme is more likely to impact on people without long-term disabilities or illnesses as these people are less likely to be in rented accommodation. For persons with disabilities/long-term illnesses who are in private rented accommodation, the schemes will benefit them.

If properties are assessed for the health and safety of their inhabitants it is probable that people with mobility and visual/hearing difficulties for example may disproportionately benefit through professionals’ suggestions of supportive modifications to the properties. This would serve to reduce the inequality gap between those with and without serious long term health conditions.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

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The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

GENDER REASSIGNMENT: *This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.*

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

There is no available data on the number of people who might be in the process of gender reassignment that could be impacted on by this policy.

However, the assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should therefore on balance reduce the number of landlords in the borough who might discriminate against people in the process of gender reassignment.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

RACE: *A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.*

State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

The most over-represented ethnic group in Ealing Borough's private rented accommodation is 'White Other', comprising 30% of the private rented sector but just 15% of the overall population (2011 Census, ONS). A substantial portion of this group are believed to be economic migrants who are willing to accept poor quality housing in order (through choice or necessity) to keep their housing costs as low as possible. There were 10,632 people who identify as 'White Other' living in the borough's private rented/rent free accommodation at the time of the 2011 census.

Those defining themselves as 'Arab' are the second most over-represented, comprising 4% of the private rented sector but just 2% of the overall population. 'Other Asian' comprises 11% of the private rented sector and just 7% of the overall population. Whilst White British and Asian Indian populations are under-represented in the private rented sector, the size of these groups within the borough means that they are still a significant proportion of the private rented sector. One quarter of private sector tenants in the borough self-define as 'White British' (8,859 people) and 9% self-define as 'Indian' (3,178). The data corroborates the hypothesis that recent migrants are more likely to be in private rented accommodation than longer-term residents.

Over recent years Ealing borough's local strategic partnership working to improve the standards of local HMO and Outhouses has uncovered many rogue landlords who appear to prey upon the vulnerabilities of some migrants including those who do not know how to navigate the UK housing system or their rights as tenants, and even some who fear deportation. It is possible that some rogue landlords may opt to withdraw from Ealing Borough leading to evictions which might disproportionately impact on recent migrants and people from ethnic minorities. However, if such landlords do withdraw from the borough and more 'fit and proper' landlords come in this may be considered a net-benefit to residents of the borough. It is also possible that during transition to the new scheme some overstayers or other illegal migrants may be located and deported or driven into worse accommodation through fear of discovery. This is not anticipated to be at a higher rate to usual though. However

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for the majority of migrants living in substandard accommodation it is anticipated that their housing conditions will be improved by this new scheme and that the improvement of housing conditions would in turn help to reduce health and educational inequalities.

People from black and minority ethnic backgrounds (BAME) are not only more likely to live in rented accommodation than other tenures but they are also more likely to live in deprived neighbourhoods than the White British majority (ESRC Centre on Dynamics of Ethnicity Centre on Dynamics of Ethnicity, 2013) where there are greater proportions of White British people living in the less deprived areas. Those living in deprived neighbourhoods are likely to experience greater health/education/ housing inequalities than their counterparts in less deprived neighbourhoods.

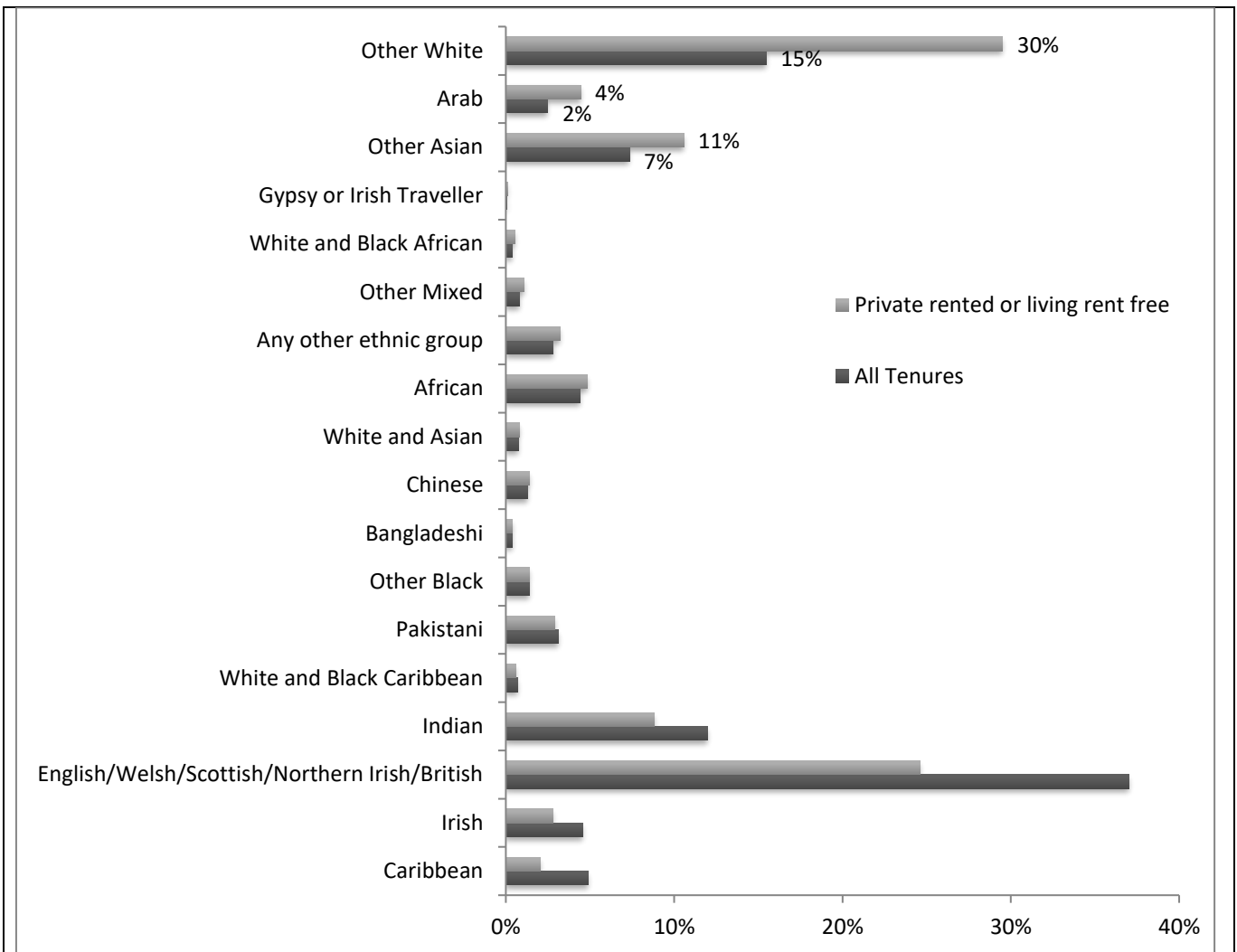
Furthermore, more recent research by the Runnymede Trust highlighted that BAME groups are at greater risk from Covid-19: they are more likely to be working outside their home, more likely to be using public transport, more likely to be working in key worker roles, less likely to be protected with PPE and more likely to live in multigenerational, overcrowded housing, so much less able to self-isolate and shield (<https://www.runnymedetrust.org/projects-and-publications/employment-3/overexposed-and-underprotected-covid-19s-impact-on-bme-communities.html>)

Raising the quality of housing and reducing antisocial behaviour in the borough's private sector should serve to reduce inequalities amongst the minority ethnic groups.

The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of race.

Ethnic distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS

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Overall this scheme would appear to disproportionately benefit BME and migrant groups which ultimately should serve to reduce inequalities across a number of spheres.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

RELIGION & BELIEF: Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.

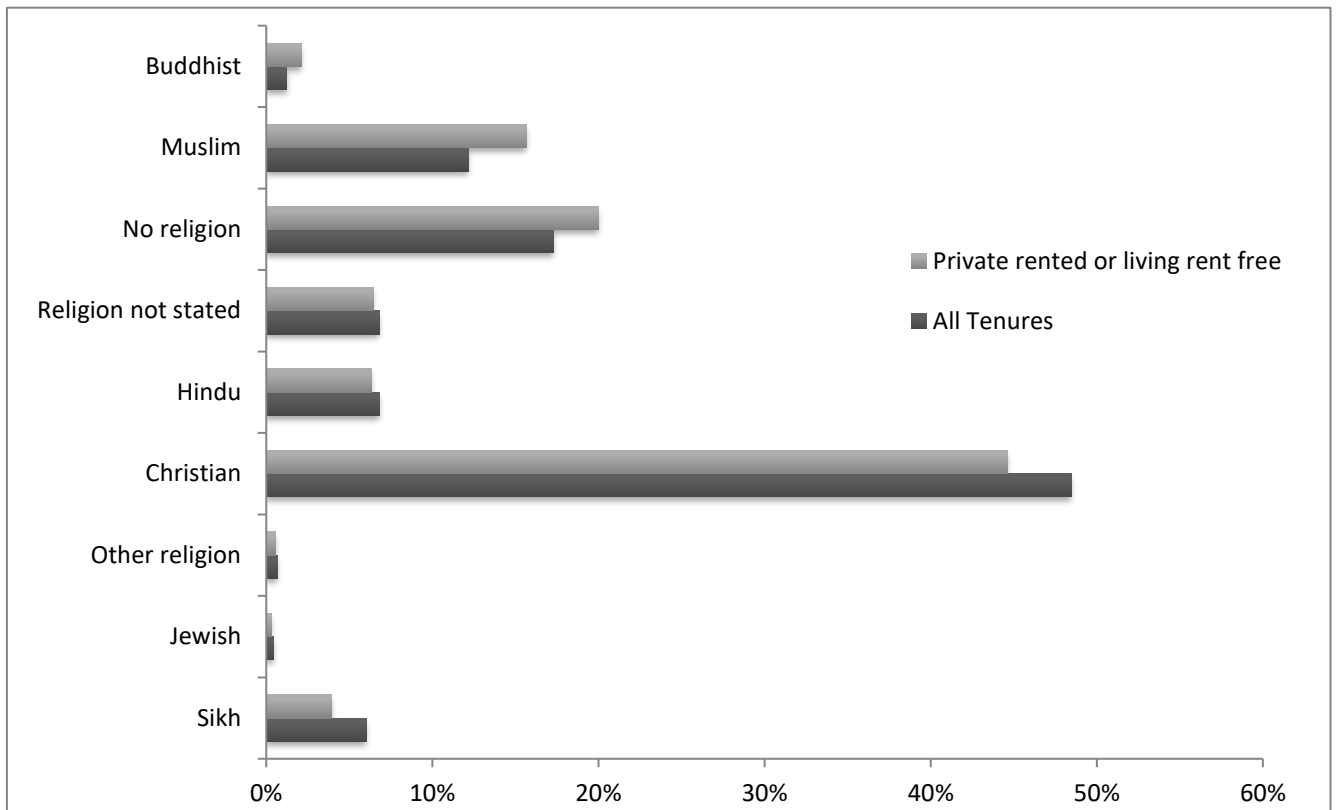
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

People who are Buddhist, Muslim or have no religion are over-represented in private rented accommodation. The size of the Christian population in Ealing Borough means that whilst they are marginally under-represented in private rented accommodation, they still make up a significant proportion of tenants in the borough (45%). At the time of the 2011 census there were 7,211 people identifying with no religion and living in private rented/rent free in the borough. There were also 5,644 people identifying as Muslim living in private rented/rent free in the borough and 762 identifying as Buddhist.

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Religious distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their religion or beliefs.

Overall this scheme would appear to disproportionately benefit people with a Muslim faith, those with no religion and those of a Buddhist faith which ultimately should serve to reduce inequalities.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

SEX: *Someone being a man or a woman.*

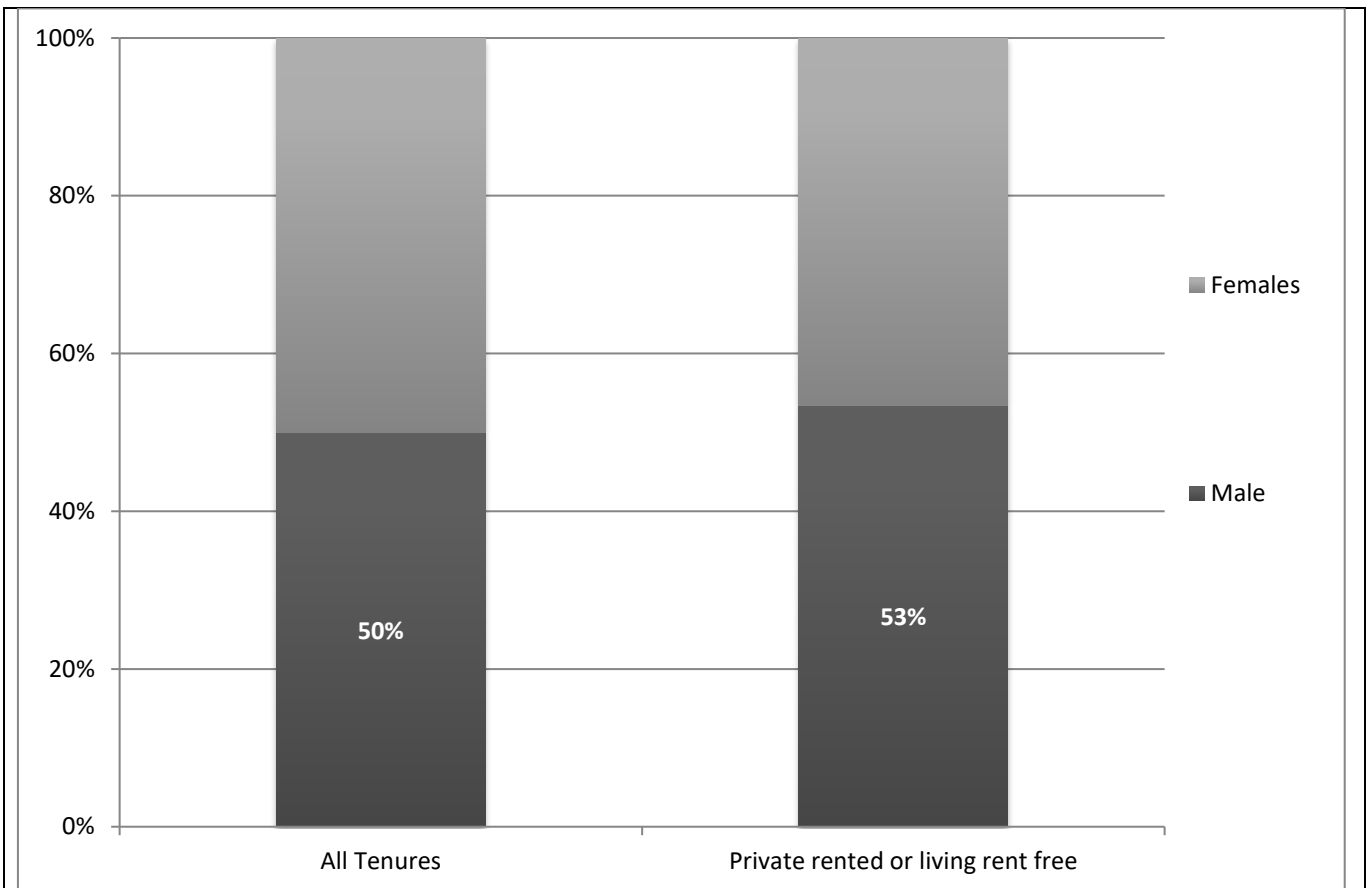
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

Men are over-represented in the private rented sector (53% of the sector). This is perhaps because more men migrate to Ealing Borough to work than women. At the 2011 census, 55,083 of those private renting/rent free in the borough were male.

Sex distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS

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The assessment of landlords to be ‘fit and proper people’ will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their gender/sex.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

SEXUAL ORIENTATION: A person’s sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

There is no available data on the number of people who might be attracted toward his or her own sex, the opposite sex or to both sexes that might be impacted on by this scheme.

The assessment of landlords to be ‘fit and proper people’ will however identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their sexual orientation.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

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| |
|---------------------------------------|
| Describe the Mitigating Action |
| <i>Not applicable</i> |

| |
|---|
| PREGNANCY & MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding. |
| State whether the impact is positive, negative, a combination of both, or neutral: |
| Describe the Impact |
| <p>There is no clear data on the number of people who might be pregnant or have recently given birth that might be impacted on by this scheme. However some data on country of mother's birth is available from the ONS at borough level. In 2010, 70% of live births in the borough were to non-UK born mothers: 1,819 were to mothers born in the Middle East and Asia, and 1,129 were born elsewhere in the European Union (878 were from the new EU). A further 766 of new mothers in 2010 were born in Africa (ONS, 2015). Given the high numbers of people from White Other ethnicity who are living in rented accommodation in the borough, it seems likely that there are high numbers of Eastern European mothers amongst these. They are likely to benefit from improved housing quality which again would assist in reducing inequalities.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of pregnancy or maternity.</p> |
| Alternatives and mitigating actions which have been considered in order to reduce negative effect: |
| Describe the Mitigating Action |
| <i>Not applicable</i> |

| |
|---|
| MARRIAGE & CIVIL PARTNERSHIP: Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage |
| Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters. |
| State whether the impact is positive, negative, a combination of both, or neutral: |
| Describe the Impact |
| <p>There is no available data on the number of people who might have entered into marriage or a civil partnership with someone of the same or a different sex that might be impacted on by this scheme.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of whether they have entered into marriage or a civil partnership with someone of the same or a different sex.</p> |
| Alternatives and mitigating actions which have been considered in order to reduce negative effect: |
| Describe the Mitigating Action |
| <i>Not applicable</i> |

3. Human Rights²

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

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| |
|---|
| 4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998? |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child? |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities? |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <i>Not applicable</i> |

4. Conclusion

2011 Census data remains the most up to date available data to assess the numbers and proportions of people of different sexes, ages, disabilities, races and religion/beliefs who live in rented accommodation in Ealing Borough and are most likely to be impacted upon by the introduction of this licensing schemes. It has also been possible to investigate the numbers and proportions of people of different social classes who are living in private rented/rent free accommodation, and to consider the numbers of rented households that are overcrowded across the borough. Unfortunately the categorisation of census variables makes it difficult to separate out those living in private rented accommodation from those who are living rent free. However the numbers living rent free are small and unlikely to have a significant impact on the figures.

The potential impacts of this scheme on groups with different characteristics have been investigated and considered using all the available evidence. Two significant and resolvable evidence gaps are apparent as well as one hard-to resolve-evidence gap.

- The first is a lack administrative data on the demographics of both landlords and private sector tenants in the borough, and also on victims or perpetrators of anti-social behaviour such as noise nuisance. It would be ideal to have such information available when making decisions that impact on these groups. Further data collection should be considered if the proposed scheme is implemented, although any such decision must be balanced with a small administrative burden and cost.
- The second is the lack of data regarding how some groups might be impacted by social interventions such as this, in particular those who are transitioning from one sex to another, sexual orientation, pregnancy and maternity, and marriage and civil partnership.

The main perceived threat to the well-being of any of these protected groups is the possibility of eviction by a landlord who as a result of the initiation of these schemes may no longer wish to do business in the borough. However there was no evidence to suggest that this occurred following the implementation of the current discretionary licensing schemes. Also, other London boroughs who have undertaken similar Additional or Selective Licensing Schemes have not reported any significant increase in evictions or homelessness that could be attributable to these schemes. In the event of any eviction, advice will be available, homeless applications can be supported and households will be prioritised in the usual manner.

Overall, it is considered that the renewal of additional and selective licensing will continue to significantly assist in reducing inequalities across the board and particularly for tenants of the poorest quality private rented accommodation with the most unfit and improper landlords. It is considered that renewing the schemes will:-

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- a) Continue to allow the Council to develop a more comprehensive database of private rented properties.
- b) Better protect the health, safety and welfare of more tenants.
- c) Reduce the number of complaints associated with private rented properties.
- d) Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.
- e) Assist and encourage stable, long-term tenancies to the benefit of both landlords and tenants (creating sustainable communities)
- f) Assist in the delivery of the council's wider housing and related strategies.

It is further hoped that licensing will contribute to increased confidence in the local housing market leading to investment by fit and proper landlords; well-housed tenants; and cohesive neighbourhoods that do not suffer with anti-social behaviour. It is considered that the renewal of these schemes will ultimately assist in reducing inequalities.

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Office for National Statistics (ONS):

2011 Census

2015 Country of Parents' Birth statistics

Department for Communities and Local Government, 2015: Indices of Deprivation

Metastreet Ltd: London Borough of Ealing, Private Rented Sector: Housing Stock Condition and Stressors Report (January 2021)

English Private Landlord Survey 2018 (MHCLG) [English Private Landlord Survey 2018: main report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/744442/English-Private-Landlord-Survey-2018-main-report.pdf)

English Housing Conditions Survey: Headline Report 2019-20 [English Housing Survey: headline report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744442/English-Housing-Survey-Headline-Report-2019-20.pdf)

House of Commons Library: Overcrowding Housing (England), 2020 [Overcrowded housing \(England\) - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/commons/libraries/research/2020/overcrowding-housing-England)

ESRC Centre on Dynamics of Ethnicity (CoDE), 2013: Dynamics of Diversity: Evidence from the 2011 Census <http://www.ethnicity.ac.uk/medialibrary/briefingsupdated/ethnicity-and-deprivation-in-england-how-likely-are-ethnic-minorities-to-live-in-deprived-neighbourhoods%20%281%29.pdf>

Building Research Establishment (BRE) Cost of poor housing briefing paper 2015 <https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>

Improving health through the home (Public Health England, August 2017) <https://www.gov.uk/government/publications/improving-health-through-the-home/improving-health-through-the-home>

Over Exposed and Under-Protected - The Devastating Impact of COVID-19 on Black and Minority Ethnic Communities in Great Britain (Runnymede Trust, June 2020)

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<https://www.runnymedetrust.org/projects-and-publications/employment-3/overexposed-and-underprotected-covid-19s-impact-on-bme-communities.html>

Emerging evidence on COVID-19's impact on health and health inequalities linked to housing (The Health Foundation, August 2020)

https://www.health.org.uk/news-and-comment/blogs/emerging-evidence-on-covid-19s-impact-on-health-and-health-inequalities?gclid=EAAlQobChMI_tmpovCI9AIVCLbtChOVqgCIEAAYASAAEglZvvd_BwE

5. Action Planning: (What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)

| Action | Outcomes | Success Measures | Timescales/ Milestones | Lead Officer (Contact Details) |
|--|---|--|------------------------|--|
| Designation of new additional HMO and selective licensing schemes. | Continuation of regulation that results in landlords proactively managing and maintaining their properties. | Successful implementation of schemes, no challenge by Judicial Review. | Dec 2021 – April 2021 | Rachel Fell, Property Regulation Lead Practitioner |

Additional Comments

³ Linked to the protected characteristics above

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6. Sign off: (All EAA's must be signed off once completed)

| Completing Officer Sign Off: | Service Director Sign Off: | <i>HR related proposal (Signed off by directorate HR officer)</i> |
|--|---|---|
| Signed:  Name (Block Capitals): RACHEL FELL Date: 18.11.21 | Signed:  Name (Block Capitals): MARK WILTSHIRE Date: 18.11.21 | Signed: Name (Block Capitals): Date: |

For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):

Appendix 1: *Legal obligations under Section 149 of the Equality Act 2010:*

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.