

Equalities Analysis in Lambeth

Proposal Title *

Selective Licensing

Author

Gaynor Brown

Please provide name of lead author and/or those within project team who may be required to contribute to this assessment

Who will sign off the assessment?

Nigel Lambert

Please indicate who will be involved in approving this assessment. This will need to be signed off by the Director

Q1a. What is changing?

The Private Sector Enforcement and Regulations team is proposing to implement a new property licensing scheme called the Selective Licensing Scheme which will improve the housing standards and safety of the properties that will be licensable under this scheme. The scheme will effectively support vulnerable residents, improve property conditions and management standards in the private rented sector (PRS), enforce property standards, tackle the most pressing private rented housing issues, support and educate landlords and tenants. The scheme will initially be launched as a pilot, with the intention to be rolled out boroughwide once approved.

What is the most significant or key change taking place? Can you indicate the type of change in your response (e.g. policy/decision/strategy/ service/procedural/ geographic/procurement etc.) so it is clear what is being equalities assessed? Why is this change happening? What do you aim to achieve? Can you clearly indicate what decision-makers are being asked to take a decision on?

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Q1b. Who will be involved in approving this decision?

Cabinet Member for Safer Communities, Corporate Director for Residents and Enabling Services, Legal and Finance Services

Who else will be involved in signing-off this decision?



Q2a. What do we know about the people who will be impacted by this change?

The Selective Licensing Scheme could affect up to approximately 40,000 homes when fully implemented. This could impact any groups that lives in the private rented sector.

Disability or Impairment: Licensing must take into consideration whether any occupants of a licensable property would be considered vulnerable, whether in terms of disability, age, etc. This is to ensure that no works asked for or conditions applied to the licence will have an adverse impact on persons with disabilities, e.g. creating a means of escape that may adversely affect someone with a disability to evacuate safely.

Age:

The average age in Lambeth is 33, compared to 35 for London and 40 Nationally. 76.1% of Lambeth population is between the age of 16 and 64. Over the last 10 years, there has been a steady increase in the private rented sector being used due to young people unable to afford ownership, and with a lower average aged population in Lambeth compared to London it is likely that young adults are over-represented in the private sector.

In terms of Elderly persons (8.6% over 65) and persons under 16 (15.32% 15 or younger) these are taken into account when forming a risk assessment of the property. If either is present, a higher risk level may be awarded on the basis of vulnerability in the case of an emergency, i.e. means of escape.

The age profile of landlords in Lambeth is not held, but the introduction of the scheme will help understand the extent to which affected landlords share protected characteristics including age.

Sex (Gender):

There is an equal gender split in Lambeth, with 50.5% male and 49.5% female, which is in line with London. There is currently no evidence or data to suggest that the selective licensing scheme would have any gender related impact.

Race and Ethnicity (including language):

In 2021, 55% of people in Lambeth identified their ethnic group within the "white" category, with 45% identified from ethnic minority backgrounds. The largest ethnic group was 24% identifying as "Black, Black British, Black Welsh, Caribbean or African". Data around the ethnic make up of renters within Lambeth is not held, nor that of landlords, but London has identified that BAME individuals are over-represented in the private rented sector and notably in properties which are in poorer conditions. It is also noted that migrants are more likely to live in private rented accomodation than UK nationals.

The 2021 Census identified that households where all members identified as "Black, Black British, Black Welsh, Caribbean or African" had the highest level of overcrowding (16.1% for England) compared with all households (4.4% in England).

Issues around understanding of legislation, language barrier, etc. The demographic profile of Lambeth shows a diverse population. This includes unsatisfactory housing conditions, exploitation and poor safety standards. There is also present an issue where these groups do not want the involvement of Lambeth as it may result in their landlord relocating or evicting them. This creates a hidden community, which is difficult to access. Licensing should make a positive impact as it is the landlord that will have to license the property with us rather than the Service proactively seeking out these properties.

Lambeth will continue to ensure translation/interpretation services are available where needed. Lambeth will ensure the online application process and associated literature/web content about the scheme is accessible, consistent and in plain English. Where required this can be translated to ensure all groups are made aware of the changes.

Religion or Belief:

The 2021 census identified that 37.5% of Lambeth residents reported having "no religion", up from 28% in 2011, though it is noted that this data is not completely reliable due to the question on the census being voluntary. This figure is higher than London (27.1%) and Nationally (36.7%)

The 2021 Census identified that households where all members identified as "Muslim" were more than 5 times more likely to be in overcrowded accommodation in comparison to all households in England.

Unfortunately the data related to religion and the private rented sector, both tenants and landlords, is not held. But there is no evidence or data to suggest that the licensing scheme would have any religion/belief related impact.

Sexual Orientation:

The 2022 Lambeth State of the Borough estimated that 10% of the Lambeth population is LGBTQ+, compared to an estimate of 4.3% for London.

Local data regarding the representation of this protected characteristic in the private rented sector is not held. But, there is no evidence or data to suggest that the licensing scheme would have any sexual orientation related impact.

Gender reassignment:

No evidence or data to suggest that the licensing scheme would have any gender reassignment related impact.

Pregnancy and Maternity:

Licensing must take into consideration whether any occupants of a licensable property would be considered vulnerable and take measures to mitigate the risks to health and safety. Specific risks to this group would be personal hygiene, food safety and slips, trips and falls.

Licensing will see these risks appropriately assessed and where necessary works required to mitigate against the risk found.

Marriage/Civil partnership:

There is no evidence or data to suggest the licensing scheme would have any marriage/civil partnership related impact or related employment issues for this group of people.

Social and economic exclusion:

The overall the impact of the selective licensing scheme on tenants would be positive as the primary remit is to address risks and safety of occupants, particularly where vulnerability exists. Economic exclusion may result in terms of the costs involved with licensing a property and meeting the standards required by the licence, i.e. that the costs will be passed onto the tenants of the leaseholders. This will be compounded by the continued changes to housing welfare.

Evidence from previous licensing scheme suggests that although there may be an initial dip in the accommodation provided, as irresponsible landlords move away from the market, responsible landlords will fill the gap and the 'licence' will become a market incentive for tenants looking for affordable, good quality and well managed accommodation. Particular care should be taken to ensure that our guidance and literature explain the legislation and requirements of the licensing in a clear and concise way, so as not to exclude anyone with learning or educational difficulties.

Tenants may not always be aware of the legislation, their rights and responsibilities, and the responsibilities of their landlord. The scheme presents a vehicle for ensuring guidance is fully available for tenants.

Landlords/Agents:

Landlords/agents can be from any group. The proposals do not favour any one group over another. The premise is simple, if a landlord/agent operate an rented accommodation that falls under the selective licensing scheme in the borough they will need to licence. Lambeth will continue to ensure translation/interpretation services are available where needed. Awareness raising of prosecutions, civil penalties and proactive targeting will be used.

Licensing can be perceived as being costly to landlords, though it is often the cost of improvements that are actually where the greatest cost would be for those landlords operating sub-standard HMOs. The fee would be payable in two parts, an initial fee at the point of application and the final fee at the point the licence is issued. The fee covers the entire period of the licence (up to 5 years). Considering the rental yields landlords are able to achieve in the London market, the fee is not considered a financial burden.

What does your information tell you about the people who will be affected by this change? Are protected groups impacted? What information do you hold on the protected characteristics of the people affected by the change? (Age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, gender, sexual orientation, health, socio-economic, language) Are there any gaps or missing information?

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Q2b. How will they be impacted by the change?

To keep tenants safe and healthy by improving standards and living conditions.

To reduce the deleterious neighbourhood, safety, health and welfare impact of illegal or avoidance rental models in the Borough.

To improve the external condition within the curtilage of the rented property to minimise adverse impacts on an area's general character and amenity.

To ensure landlords exercise appropriate management and supervision of their properties to help reduce any adverse impact on the neighbourhood, e.g. from anti-social behaviour, refuse dumping, etc.

To encourage investment and increase the availability of affordable and decent accommodation in the PRS.

To build on and expand existing partnerships with landlords, agents, tenants, landlord forums and partner agencies/services, maintaining effective two-way communication, promoting joint working and best practice and through these, facilitating improvements.

To encourage and support owners, managers and managing agents to work proactively with the Council in achieving clearly defined standards.

Would you assess the impact as positive, adverse, neutral? Do you have any uncertainty about the impact of your proposal? Is there a likelihood that some people will be more impacted than others? Can you describe the ways in which they will be affected? How might this change affect our 'general duty'?

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Q3a. How do you plan to promote and deliver any positive impacts of the proposal?

A full and comprehensive consultation process was undertaken, followed by wide publicity of the scheme.

The London Borough of Lambeth consulted on the proposed licensing scheme for 12 weeks (Above the statutory 10 weeks required). To ensure that as many people and organisations as possible have the opportunity to comment on the Council's proposal a range of methods was used to draw attention to the plans and to provide people and organisations the opportunity to comment on them, including: Adverts in local publications Direct email to landlords, national organisations, managing and

letting agents
Direct email to voluntary organisations and community groups
Direct email to partner Statutory Agencies
Social Media
Press releases
Direct email to neighbouring local authorities including their Communication Teams. Note. This is to help ensure that where there is a possibility of landlord migration to neighbouring boroughs as a result of the licensing proposals, the residents and LA's have the opportunity to respond.
Briefing for Councillors and staff
Information on the Council's website
Online survey for all residents, landlords, agents and businesses
Hard copy questionnaire for those without internet access
Lambeth will continue to ensure translation/interpretation services are available where needed.

Any comments you give will be held electronically and held in strictest confidence and only used for the purpose of this project.

Strategic Comms led on the consultation process in partnership with the Consultation Team at Lambeth who have access to a wide variety of stakeholder groups including those that represent defined equality groups. Also supported by Cadence who also assisted with the initial feasibility study.

How might the principles of fairness, equality of opportunity and positive relationships be further promoted as a consequence of this proposal? How do you propose to measure your positive outcomes and the benefits outlined to find out if these have been achieved?

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Q3b How do you plan to address and mitigate any negative impacts of the proposal?

There is a dedicated email address for tenants to raise or report concerns and issues.

Ensure statutory requirements and guidance for designating licensing schemes are fully met.

Ensure ward members are fully conversant with the Selective Licensing scheme

IT/Web project implemented with sufficient time to deliver Project Group in place managing process

Infrastructure/Web tested prior to implementation, Ensure scheme is promoted and landlords are given information.

Directly target landlords and their tenants. Use enforcement measures where appropriate and publicise.

Promote benefits of Licensing.

More work with landlords and tenants. Fees set at reasonable level with appropriate discounts and the business case for licensing is communicated to applicants.

Ensure application process is as efficient as possible.

Match staff resource to workflow and ensure flexible staffing approach to meet demand.

Robust financial modelling to provide sufficient margin to mitigate against a shortfall.

Regular financial reviews of costs and fees

Develop a clear communications plan to promote the scheme and explain what it aims to deliver.

What impact has this evidence had on what you are proposing? What can you do differently that might lessen the impact on people within the timeframes i.e. development-implementation? Who can help you to develop these solutions?

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Q4. How will you review/evaluate your proposal, mitigating actions and/or benefits? Who will be responsible for this?

There is a Selective Licensing Programme Board where the scheme, objectives and KPI's will be monitored.

It is recognised that licensing is part of an overall approach to help improve the private rented offering within the London Borough of Lambeth and outcomes achieved may not be solely as a result of licensing. With this caveat, progress will be assessed against the following key outcomes:

Increased number of licensed properties and compliance with licence conditions ensures good standards in housing are maintained.

Poor property conditions improved, as well as improvements in the health, safety, and welfare of tenants, supported by KPI data

Vulnerable groups and those living in deprived areas seeing an improvement in their living conditions.

The Council has increased knowledge of the private rented sector in the borough. This will enable targeted enforcement and support for landlords.

Reduced anti-social behaviour will improve problem areas, making these areas safer and more desirable places to live in.

Renters are aware of their rights and responsibilities and have greater awareness of and access to council services.

Tenants see economic benefits such as reduced heating costs, bringing them out of fuel poverty.

Who will you be accountable to for the above actions/outcome? How will those responsible know these actions have worked? What performance indicators will you use to demonstrate this? Are there any other forms of evidence you can use to support this assessment of their effectiveness?

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Section to be completed by Sponsor/Director/Head of Service

Outcome of equality impact assessment

- No adverse impact, no change required
- Low adverse impact, minor adjustment required
- Significant adverse impact, further action required
- Significant impact identified unable to mitigate fully
- Unlawful in/direct discrimination, stop and rethink

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Comments from Sponsor/Director/Head of Service

On 09/12/21 we launched the HMO Additional Licensing Scheme for which many similar issues arose, so we have that recent experience and confidence from which to launch a Selective Licensing Scheme

In addition, 17 other selective licensing schemes are in operation across London, and are not reporting back any adverse impact on protected characteristics.

Submit for approval

Submit for approval

When you are ready for the assesment to be reviewed by your Director, please select 'Submit for Approval' from the drop down. (Or select Resubmit if requesting approval after a rejection)

Executive Approval

Approved

For Directors: Please use the drop down to Approve or Reject the Assessment. (You will need to click 'Edit Item' at the top of the form to do this)

Attachments

Close