

Community and Equality Impact Assessment

As an authority, we have made a commitment to apply a systematic equalities and diversity screening process to both new policy development or changes to services.

This is to determine whether the proposals are likely to have significant positive, negative or adverse impacts on the different groups in our community.

This process has been developed, together with **full guidance** to support officers in meeting our duties under the:

- Equality Act 2010.
- The Best Value Guidance
- The Public Services (Social Value) 2012 Act

About the service or policy development

Name of service or policy	Private Rented Property Licensing
Lead Officer	Gary Jones – Head of Regulatory Services
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Why is this service or policy development/review needed?

The London Borough of Barking and Dagenham Manifesto unveiled a corporate vision of encouraging civic pride, enabling social responsibility and growing the borough’s sense of opportunity. This included commitments to help residents shape their own quality of life, take responsibility for themselves, homes and communities as well as integrating services for the vulnerable, building high quality homes and supporting investment in housing. These ambitions are imbedded in the Council’s Corporate Plan and run as a golden thread through overarching strategies around housing and health and wellbeing.

In September 2014, The London Borough of Barking and Dagenham introduced a Borough wide Discretionary Licensing Scheme that required all private landlords to hold a licence for properties that were used in the private rented market. The scheme to which the designation applies has General Approval under s58 of the Housing Act 2004 by the Secretary of State under the Housing Act 2004.

We have since inspected 13,000 properties where we experienced poor standards, illegal activities and properties that were poorly managed. Our current scheme has allowed us to take enforcement action, prosecuting rogue landlords and stamping out criminality within the private sector. It has allowed us to work with non-compliant landlords and drive up standards through non-enforcement intervention.

It is evident that the demand for private rented accommodation is significantly increasing. In September 2014, it was estimated that there were 17,000 privately rented properties in the borough increasing to 20,115 by 2018. This represents 27.7% of our total estimated households in the borough of 73,500. Our data tells us that it is likely to increase to 25,000 privately rented homes by 2022 making privately rented properties 33% of the borough.

Barking and Dagenham remains committed to improving standards and offer a scheme that supports professional landlords and focuses on those that are rogue. We propose to introduce a new borough-wide Discretionary Licensing Scheme when the current scheme ends in August 2019. This scheme is being introduced to have a positive impact on residents by:

- tackling anti-social behaviour
- reducing poor property conditions
- reducing high levels of crime
- reducing high levels of deprivation
- addressing the impacts of high levels of migration
- stimulating housing demand

If the Barking and Dagenham licensing scheme is not renewed residents of the borough could be vulnerable to exploitation by rogue landlords, poorer property conditions and safety standards, and our controls for reducing deprivation, anti-social behaviour and crime in private rented sector will be reduced.

Why is this service or policy development/review needed?

Good quality and well managed private sector accommodation benefits our residents and has a major role to play in making Barking and Dagenham a place that everyone can be proud of. Tenants have a vital role in maintaining the home they live in and in reducing anti-social behaviour. Our scheme is designed to encourage landlords, agents and tenants to play their part.

1. Community impact (this can be used to assess impact on staff although a cumulative impact should be considered)

Demographics impacted

The general impact of property licensing is formalising the lightly regulated private rented sector by imposing a framework to enforce obligations on landlords and licence holders. It should continue to lead towards greater quality in our borough's accommodation and greater stability in the community for all groups. The scheme is proposed for boroughwide implementation. Although the mechanism for monitoring and control is through private rented properties, the benefits are intended to be felt by all residents across all the groups in the borough. These demographics and protected characteristics can be summarised as follows:

Age

The borough has the highest population percentage of 0-19 year olds in the country at 31%. The over 60 population accounts for one of the smallest percentages of population in England and Wales (Census 2011).

Disability

Approximately 9,100 of our residents are claiming disability allowance (Department of Work and Pensions, 2016).

Sex

51.5 % of the borough's residents are female, and 49.6% are male (Census 2011).

Gender reassignment

We estimate that there may be approximately 40 people in the borough who have or who plan to undergo gender reassignment (Gender Identity Research and Education Society advice).

Pregnancy and maternity status

Teenage pregnancy rates are significantly higher than average. The rate of teenage conceptions in 2014 was 32.4 per 1000 population of females aged 15-17. This was the second highest rate in London (ONS). We also have the highest birth rate in London.

Marriage and civil partnership

41.9% of the population aged 16 and above are married, 38.8% are single and never married, and 0.2% are in a same-sex civil partnership (Census 2011).

Ethnicity

The population ethnicity is 24.6% Black (African, Caribbean and Black Other) residents; 15.5% Asian (Bangladeshi, Indian and Pakistani); and 8% from other or mixed ethnic groups. The remainder are White British (GLA population projections).

Religion or belief

56% of the population identify as Christian. 18.9% identify with no religion. 13.7% identify as Muslim (Census 2011).

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Sexual orientation

Between 10,000 – 14,000 people in Barking and Dagenham are lesbian, gay and bisexual (Stonewall estimates).

The private rented sector represents an important element of housing choice across all demographics, providing accommodation for the homeless as well as for young and middle-income households and new migrants. From 1981 to 2017 the proportion of residents in private rented households increased by 10 times. If the current trend continues the borough will be 33% private rented by 2022. The impact of the private rented property licensing scheme (or lack of a scheme) across all groups will be significant.

Potential impacts	Positive	Neutral	Negative	What are the positive and negative impacts?	How will benefits be enhanced and negative impacts minimised or eliminated?
Local communities in general	X		X	<p><u>Positive impact:</u></p> <p>Rapidly growing private rented sector</p> <p>The demand for private accommodation is increasing rapidly. This is evident by the 18.3% increase from 2014 to 2018 alone. The lack of new housing supply and affordability issues places great pressure on the private rented sector as the readily accessible housing tenure. A continued comprehensive regulation of the sector through property licensing directly tackles poor conditions, overcrowding, sub-letting, illegal evictions and associated harassment.</p> <p>Anti-social behaviour</p> <p>Our private rented properties see the most ASB reports of any tenure (23% of properties compared to 18% borough average) and are more likely to be subject to multiple incidents in the same location.</p> <p>Properties with high levels of anti-social behaviour are targeted by enforcement officers and landlords are required to take responsibility for any problems with the properties they rent. Since the existing scheme came into effect in 2014 there has been a marked improvement in ASB reports in private rented properties compared to other tenures across all 17 wards in the financial years 15/16 and 16/17.</p>	<p>We will continue to raise borough standards through regulation, monitoring and enforcement activity. A programme of interim management orders, increased thermal comfort through retrofitting of PRS properties and an ambition for 12% of all households to be of institutional private rent in the Draft Local Plan, underline the Borough's desire to professionalise and improve the quality of the local market.</p>

Crime

In Barking and Dagenham our highest crime rates are found in our wards with the highest proportion of private rented properties. Crimes such as burglary, criminal damage and arson are an increasing challenge with many wards exceeding the national average.

Barking and Dagenham has developed strong partnerships to address crime. We regularly carry out formal and informal enforcement action as well as joint operations with the bodies such as the police, Fire Brigade and HMRC since the introduction of the existing boroughwide scheme in 2014 that gave the council additional powers to tackle housing crime by criminal landlords and the conditions that exacerbate property crime.

Deprivation

The LBBD community is held back by high levels of deprivation. Our borough is the 3rd most deprived in London and the 12th most deprived in England (compared to 326 other local authorities). This includes numerous areas such as income, employment, health, housing and crime.

Our borough residents are especially limited by barriers to housing and services, health, deprivation and disability in all our wards. All our wards are more deprived than both the England and London averages.

These high levels of deprivation are strongly contributed to by factors such as crime and housing. Licensing makes a direct and tangible difference to both factors. For example, enforcement against landlords who illegally overcrowd their property is one of the key aims of the licensing scheme and will help to alleviate housing deprivation in the borough. The information gathered through our scheme also helps inform joint operations with the police and other agencies to crack down on crime and helping to mitigate deprivation in the borough.

Housing conditions (and safety)

Licensing is invaluable in improving housing standards in our growing private rented sector,

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		<p>helping both tenants and landlords manage rented properties to a greater condition standard. Licensing prevents unsafe, and in some cases uninhabitable living conditions and stops landlord exploitation of tenants.</p> <p>Impact of migration</p> <p>Immigration into the borough benefits our services and the overall economy of the borough. However, there are challenges that high levels of migration bring that are most acutely felt by those in poorer areas. Our residents face great demand for rental properties at the bottom-end of the market.</p> <p>65% of our international migrants move into private rented accommodation. With a selective licensing designation, we want to preserve and improve the social and economic conditions in the borough and make sure all residents (including migrants) occupying private rented properties live in good quality properties under good quality arrangements. The property licensing powers under the Housing Act 2004 allows us to deal with this situation.</p> <p>Continuing property licensing will also help identify illegal immigrants. LBBB works with other agencies to deal with this problem and help where needed.</p> <p><u>Negative impact:</u></p> <p>Displacement/ evictions</p> <p>Enforcing conditions and standards could lead to possible displacement of tenants in the short-term. We maintain a team to proactively tackle harassment and illegal evictions in the private rented sector and we will support negative consequences that may arise from Barking and Dagenham's enforcement approach.</p> <p>Landlords</p> <p>Although almost all our landlords are compliant, who would receive discounted licences in the new scheme, non-compliant</p>	<p>Private tenants to be supported if there are negative consequences that arise from LBBB's activity. This support includes working with Trading Standards and the Controlling Migration fund in addition to day-to-day monitoring and enforcement activity</p>
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			<p>landlords will face higher rates and potentially fees.</p> <p>While there may be adverse short-term consequences for the landlord community in continued greater regulation through property licensing, in the long term it will drive up standards and mean that less responsible landlords will not be able to gain unfair commercial advantage by keeping their costs down by not complying with all the rules. In the longer term it will improve the public image of all landlords and lettings agencies and make their services more marketable.</p> <p>Costs passed on to tenants</p> <p>Some landlords may seek to pass on the licence fees to tenants through higher rent. However, with an existing scheme already in place over a 5-year period, this is unlikely.</p>	
Age	X		<p>Our changing demographics show our borough is becoming an increasingly young community. The private rented sector has a large positive impact on this demographic in the private rented sector, especially concerning property conditions and landlord exploitation.</p>	
Disability	X		<p>There is no evidence on disability representation in the private rented household sector and while the scheme does not enforce accessibility, the effect of licensing scheme will be positive for these individuals and households in this sector.</p>	
Gender reassignment	X		<p>There is no evidence that the representation of transgender of households in the PRS is no more impacted than that for the total population, but the effect of licensing will be positive for these households.</p>	
Marriage and civil partnership	X		<p>There is no evidence directly linking benefits to this group in the private rented sector over that for the total population but the effect of licensing will be positive for any associated households.</p>	
Pregnancy and maternity	X		<p>Although there is no analysis demonstrating pregnancy as over represented in private rented properties, it is fair expect expectant mothers living in the sector and the effect of licensing for these households is positive.</p>	
Race (including Gypsies,	X		<p>As the private rented sector is the only accessible housing tenure for new communities to the borough, various ethnic groups as well as travellers and new migrants</p>	

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Roma and Travellers)			will be positively affected. Our analysis shows such recent migrants are subject to the poorer conditions addressed by this scheme.	
Religion or belief	X		We have a large population of different faith groups who will be positively affected by the scheme.	
Sex		X	There is no indication that one gender is over represented across the private rented sector.	
Sexual orientation		X	There is no evidence that the representation of gay and/or bisexual households in the PRS is no more than that for the total population, but the effect of licensing will be positive for these households.	
Any community issues identified for this location?	X		<p>The community issues targeted in the scheme:</p> <ul style="list-style-type: none"> • anti-social behaviour • poor property conditions • high levels of crime • high levels of deprivation • challenges of high levels of migration • stimulating housing demand 	

2. Consultation

Provide details of what steps you have taken or plan to take to consult the whole community or specific groups affected by the service or policy development e.g. on-line consultation, focus groups, consultation with representative groups?

Prior to making a final decision as to whether to make an application to the Secretary of State, the council must first conduct a formal consultation for a minimum of 10 weeks. We consult with landlords, tenants, managing agents, the police and fire service as well as representative groups such as the Citizen advice Bureau and landlord associations such as the NLA, ARLA.

Barking and Dagenham has taken a comprehensive approach to consulting with these stakeholders across 3 consultations:

1. consultation to review the current scheme with Private Sector Landlords – took place from 29/08/17 to 06/11/17 with 781 responses were received
2. a wider public consultation to review design options of a new scheme. This consultation took place from 01/12/17 to 22/02/18 with 871 responses received
3. a consultation on the introduction of the new discretionary licensing scheme – planned for July/August 2018 to close September/October 2018.

The two initial consultation phases were specifically designed to build a picture of the current scheme, identifying opinions of the current scheme and key areas to inform the future scheme design. Examples include:

- most tenants (66%) and borough residents (60%) believe continuing the scheme in 2019 will have a positive impact
- tenants and residents believe it will be particularly important impact on ASB, property conditions and overcrowding

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Provide details of what steps you have taken or plan to take to consult the whole community or specific groups affected by the service or policy development e.g. on-line consultation, focus groups, consultation with representative groups?

- a common complaint in the current scheme review was that it treated good landlords the same as bad landlords
- 88% respondents agreeing that landlords providing a bad service should be penalised
- 82% respondents agreeing that landlords with a history of providing bad services should be charged a higher rate.

The final consultation is to introduce the new licensing scheme. It starts in July and runs for 10 weeks, finishing in September 2018.

We will also run several information events which will be published giving information on the proposed scheme, fees and charges, and other relevant information. Staff will be on hand to answer any questions.

Events

Landlord's Forum upcoming events:

- Tuesday 4th September 2018 7pm
- Tuesday 4th December 2018 7pm

Barking Learning Centre Information Day Dates:

- Tuesday 14th August 2018 – 1pm-5pm

Dagenham Library Information Day Dates:

- Wednesday 15th August 2018 – 1pm-5pm

Community summer events:

- Roundhouse Music Festival – Monday 27th August 2018
- Youth Parade – Sunday 16th September 2018

Other means of communication

- Barking and Dagenham Post, Neighbouring borough newspapers.
- Social Media, Facebook and Twitter.
- Inside Housing Magazine
- Chartered Institute of Environmental Health (CIEH) Magazine
- Other groups of consultees
- Councillors
- Homelessness charities – Shelter/ St Mungo
- London Fire Brigade
- Police
- Conveyancers and Solicitors registered in Barking and Dagenham

3. Monitoring and Review

<p>How will you review community and equality impact once the service or policy has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i></p>		
Action	By when?	By who?
Enforcement team to review this ECIA following closure on the third consultation should results make it warranted	September 2018	Gary Jones
Enforcement team to review this ECIA following confirmation/ updated from MHCLG on the designation (boroughwide scheme or limited scheme approach)	2019	Gary Jones

4. Next steps

It is important the information gathered is used to inform any Council reports that are presented to Cabinet or appropriate committees. This will allow Members to be furnished with all the facts in relation to the impact their decisions will have on different equality groups and the wider community.

Take some time to précis your findings below. This can then be added to your report template for sign off by the Strategy Team at the consultation stage of the report cycle.

Implications/ Customer Impact
<p>The evidence from the existing scheme introduced in 2014 along with our recent consultations and borough analysis, demonstrates the overall impact is relevant to all equality groups in Barking and Dagenham and that the overall impact has been positive.</p> <p>Since 2014 we have seen a reduction in anti-social behaviour linked to the private rented sector whereas social housing and owner-occupied have remained the same. We can demonstrate that licensing and regulating this area does significantly improve sustained communities. However, the private rented sector is still significantly more likely to get reports than owner occupied and social rented, so the problem persists. Without a new scheme, this problem is likely to become worse, particularly since more and more properties in the borough are becoming private rented.</p> <p>Residents of the borough will be positively impacted by a new designation as they benefit from the requirements placed on landlords to provide proper arrangements and conditions. The introduction of a new scheme would continue to help improve standards within the private rented sector in relation to health and safety, property conditions and fire safety through compliance and condition audits. It will allow us to identify those properties that are suffering from disrepair, overcrowding and take appropriate enforcement action.</p> <p>It will allow the council to target criminal landlords who do not license their properties and act with criminal intent. We will work with internal departments to ensure public money is</p>

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protected in respect of fraudulent housing benefit claims and unpaid council tax on HMOs.

It will prevent the exploitation of tenants ensuring tenancy support is provided in respect of tenancy agreements, rent deposit protection and protection from illegal eviction and harassment.

It will support the engagement between internal departments, such as Environmental Health, Trading Standards, Housing Benefits, Council Tax to tackle poor legal practices such as noncompliance with the Redress Scheme.

The introduction of a new scheme will allow residents to make informed choices about the property they occupy by first checking the property is registered on the private rented property license register published on the council website.

The key impacts of the new scheme can be summarised as:

- tackling anti-social behaviour
- reducing poor property conditions
- reducing high levels of crime
- reducing high levels of deprivation
- addressing the impacts of high levels of migration
- stimulating housing demand

There may be some short-term negative impacts as the scheme is enforced, such as displacement of overcrowded properties, but this will be minimal with an existing PRPL scheme already in place. The positive impacts of the new scheme will be wide-reaching, improving the social and economic conditions of the borough and tackling rogue/ non-compliant landlords and supporting our good landlords.

COMMUNITY AND EQUALITY IMPACT ASSESSMENT**5. Sign off**

The information contained in this template should be authorised by the relevant project sponsor or Divisional Director who will be responsible for the accuracy of the information now provided and delivery of actions detailed.

Name	Role (e.g. project sponsor, head of service)	Date
Gary Jones	Head of Regulatory Services	
Fiona Taylor	Strategic Director	