

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Proposal to introduce an additional licensing (of HMOs) scheme to 12 central Bristol wards
Directorate and Service Area	Communities / Private Housing Service
Name of Lead Officer	Tom Gilchrist

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

To designate an additional (for Houses in Multiple Occupation (HMO)) licensing scheme to 12 wards namely Central, Cotham, Clifton, Clifton Down, Hotwells & Harbourside, Redland, Ashley, Bishopston & Ashley Down, Easton, Lawrence Hill, Southville and Windmill Hill in order to improve housing conditions and property management.

This would apply to all privately rented properties where there are 3 or more unrelated people living together and sharing some facilities like a bathroom or kitchen. There is already a national mandatory scheme that covers HMOs with 5 or more people. There are a number of exemptions to additional Licensing and these include local authority owned or leased property, properties owned by Registered Providers and certain student accommodation

The council has recognised the increasing need for good quality private rented accommodation in the city and the positive impact it has for those who choose this option. However, there are also those who are not in a position of choice and private rented accommodation is the only option they have available to them. With the reduction in council owned housing stock and the limited number of units available from social lettings the demand for housing in this sector is growing and the supply of private rented housing is at a premium. Therefore, we must be mindful of those who are vulnerable or with limited/ no choice, accepting sub-standard accommodation. Many of these vulnerable people live in HMOs as this is the cheapest option for them.

The Building Research Establishment (BRE) undertook a report for us on the stock condition of the private housing sector in Bristol. They reported that "HMOs in the private rented sector in Bristol are generally in poorer condition than non-HMOs. The levels of category 1 hazards are notably higher for HMOs (22% compared to 13% for non-HMOs), especially for fall hazards (15% compared to 5%). Levels of disrepair are also higher for HMOs (9%

compared to 6% for non-HMOs)". The report also highlighted the wards with the highest concentration of HMOs and levels of disrepair and/or poor management.

Licensing has a number of significant advantages compared with other initiatives to deal with issues of unsatisfactory property condition and poor management and other activities directly attributed to the private rented sector.

The additional powers of licensing declaration gives local authorities more practical options to work proactively with landlords and agents, rather than just responding to tenant complaints. By declaring these areas, tenants also have more security if they complain about their accommodation. Many tenants do not know their rights, what conditions they should expect or realise that they can make a complaint about their property or landlord so a great number of properties in this sector do not come to the attention of the local authority.

Under a licensing scheme a number of licensing conditions will be set for both the property standard and also for good management practice. We will provide advice on the necessary improvements required to bring the property up to standard and enforce when the landlords do not comply with the licensing standards or apply for a licence.

Once a scheme has been declared it is illegal for a landlord or agent to let a property without a licence or to evict tenants under section 21 if the property is not licensed.

## **Step 2: What information do we have?**

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### **2.1 What data or evidence is there which tells us who is, or could be affected?**

State of Bristol – Key Facts 2017-18<sup>1</sup> provides a summary of the city demographics including that:

- The population of Bristol has become increasingly diverse and some local communities have changed significantly. There are now at least 45 religions, at least 180 countries of birth and at least 91 main languages spoken.
- The proportion of the population who are not 'White British' increased from 12% (2001) to 22% (2011)
- Bristol has a relatively young age profile with more children aged 0-15 than people aged 65 and over. The median age of people living in Bristol is 33 years old, compared to 40 years in England and Wales.

Prior to selecting the areas, we commissioned a study to be undertaken by the Building Research Establishment to look at the condition of the private rented stock in Bristol. They have reported on areas where there are density of private rented housing and HMOs and on

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<sup>1</sup> <https://www.bristol.gov.uk/documents/20182/32947/State+of+Bristol+Key+Facts+2017-18/94b14c82-b664-0f5f-4487-8623f4be9ae6>

condition and management issues; fuel poverty and dangerous hazards under the Housing Health and Safety rating System. They looked at data from a whole range of sources including our own complaints records, enforcement activity, hazards identified and management issues recorded, the Energy Performance register, Census 2011, Indices of Deprivation, Council Tax records, Experian and Electoral roll records.

We believe we have identified the properties where there are they are most likely to be HMOs.

Please see “8.2.1 Equalities Monitoring Information” section of Consultation Appendices for a summary of the diversity of respondents.

## 2.2 Who is missing? Are there any gaps in the data?

Many private landlords are unknown to us and therefore we do not hold data on their protected characteristics. However, a significant number of private landlords and tenants have completed the consultation survey and completed the equalities section of the survey.

We do not have diversity data about tenants in houses of multiple occupation, and citywide and ward level diversity data is unavailable for some protected characteristics e.g. gender reassignment.

## 2.3 How have we involved, or will we involve, communities and groups that could be affected?

We undertook two separate public consultations, Feb 19<sup>th</sup> to May 13<sup>th</sup> 2018 and November 8<sup>th</sup> to December 20<sup>th</sup> 2018. The first, a 12 week consultation writing to everyone in the area including landlords and agents, private tenants, local residents and other stakeholders giving them details on the consultation. The consultation was online via the councils Consultation Hub and paper copies or translations were available on request or from the libraries in the area. We also wrote to universities, Shelter, CAB and landlord and tenant organisations and letting and managing agents. We left postcards and consultation document and paper surveys in all the libraries in the area and at Citizen customer points and the Pear Group delivered the posters and postcards providing information and requesting feedback about the consultation to community centres etc. across the 12 wards.

We sent out tenant and landlord ‘toolkits’ to landlord and tenant organisations, CAB, Shelter and to the local councillors with all information and publicity regarding the consultation. We also had several briefing sessions with the Assistant mayor and the local ward councillors. We received 2,746 responses to the survey and a further 65 letters and emails. The Consultation Hub will post the consultation report online giving full a breakdown of responses and free text comments.

A second consultation was held between 8th November 2018 and 20th December 2018 to seek views on a revised fee structure following a High Court case *Gaskin v Richmond upon Thames* [2018] determined that this type of proposed HMO licensing scheme (Part 2, Housing Act 2004), is an authorisation scheme and is subject to European legislation (EU Services Directive 2006). In order to comply with this directive the council was required to review the way it structures its property licence fees.

The survey was again available online through the Consultation Hub and in paper copy and

other formats on request. One request was received for a BSL version and this was emailed to the person who requested it and posted on the Hub. We sent 62,491 letters directly to those who may be affected by the decision – private landlord and agents with properties in the area, private tenants and owner occupiers living in the area; we sent emails to the two universities, and landlord and tenant organisations and to local councillors; we also posted alerts on Facebook and Twitter.

We received 257 responses, one letter and 272 emails (although most of them were about our information being out of date or querying why we had sent it to an owner occupier).

If approved we will promote the scheme widely writing to the occupants of the properties we believe meet the definition to be licensed, to their landlords and agents and also to the people who have left their details through the survey forms. We will publish public notices and display prominently on our website, our screens in the Citizen Service Points and at libraries and community centres. We also send out landlord Newsletters to landlords not only in the area but also to those who live outside of Bristol or abroad to keep them informed of the scheme and their obligations.

### Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

#### 3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

Protected Characteristic	Potential impact	Mitigation / Justification
All	<p>For landlords who do not make an application, there is the risk of prosecution as once the scheme is designated it will be mandatory to apply for a licence if they want to continue to let their property.</p> <p>Some landlords may cease to rent their property or increase their rent to cover the cost of the license, leading to disruption or risk of homelessness for vulnerable tenants. Those who do not understand their rights or know about the legal process involved in terminating a tenancy could be taken advantage of.</p>	<p>Landlords who own licensable properties in the designated area and rent their properties to certain vulnerable tenants in receipt of Local Housing Allowance will be offered financial incentives (exempt from the licence fee) to rent their properties to this type of tenant.</p> <p>Experience from previous schemes indicates no overall loss in private rented properties and that the market has remained steady.</p> <p>There will be a lot of publicity about the scheme and licensing caseworkers will be following up to chase landlords who do not make applications when they should. We</p>

		will work with the voluntary and community sector to ensure the message reaches those who need it most.
Age	Vulnerable young people and older people may be particularly affected by issues in 'All' section above	See above
Disability	People with a learning disability may be particularly affected by issues in 'All section above	See above
Sex	No issues identified	
Sexual Orientation	<p>Bristol Pride expressed concerns about how licensing will force co-habiting same sex couples to come out to their landlord to avoid paying the licensing fee.</p> <p>More than two people living together in a sexual or emotionally intimate relationship would not be considered as a 'family' for the purposes of HMO licensing.</p>	<p>If any three or more people are living in a privately rented property which is not rented as a family dwelling it would be licensable regardless of their relationship status to each other – however they would not be required to declare what the nature of their relationship is.</p> <p>The definition of a family for the purposes of HMO licencing is defined by central government and outside the scope of this proposal.</p> <p><a href="https://www.gov.uk/private-renting/houses-in-multiple-occupation">https://www.gov.uk/private-renting/houses-in-multiple-occupation</a></p>
Pregnancy/Maternity	No issues identified	Babies / children do not count as an occupant under this legislation so would not be licensable.
Gender reassignment	No issues identified	
Race	<p>Some BME landlords whose first language may not be English could be at greater risk if they do not understand the requirements of the licensing scheme.</p> <p>Tenants who are migrants and people who speak English as a second language may be experience more difficulty in finding alternative accommodation their landlords do not meet requirements.</p>	<p>Help and advice is available to assist in completing application forms and general licensing matters. The renting of private properties is a business, and all landlords of private rented properties should be competent to manage their property(s). If they are not and then it is likely they have an agent or an appointed manager to manage the property for them.</p>
Religion or Belief	No issues identified	

Marriage and Civil Partnership	Co-habiting couples who live in rented accommodation with other are not disproportionately affected by this proposal as family units are exempt and HMO licencing applies regardless where there are 3 or more people in occupation.	
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3.2 Can these impacts be mitigated or justified? If so, how?

See section 3.1 above for specific mitigations.

3.3 Does the proposal create any benefits for people with protected characteristics?

Tenants with protected characteristics are over represented in the private rented sector. Any scheme which encourages better accommodation and better management of the accommodation would therefore benefit people from equalities communities. People who spend a large proportion of their time at home should benefit from better quality accommodation in particular – e.g. some Disabled people, single parents with small children, some older people.

Tenants with additional vulnerabilities, for example people with mental health needs, women leaving refuges, homeless men and women are increasingly placed in private rented accommodation. The scheme will make it easier for vulnerable tenants and their support workers to identify landlords and letting agencies who are licenced and offer good standards of accommodation.

Some private rented tenants are less settled within their communities than those in social housing or home owners. Some accommodation sees a high turnover of tenants for example students. Poor quality accommodation can include severe overcrowding and result in a high turnover of tenants. High turnover can cause community cohesion issues with neighbours and creates additional strain on local services e.g. local schools.

Details of landlords who license their properties are placed on a ‘Public register’ and this information will be available to the all. Our web site will also give information and how to contact the council if there are issues with the condition or management of these properties. It is a requirement of the licence to display the contact details of landlord within the rented property and also inform the neighbouring property owners the details of the landlord/agent. This will enable tenants and neighbours to report concerns which will ease community cohesion tensions. It should also make it easier for people to stay in rented accommodation for longer, rather than needing to move because of poor quality accommodation.

For most private tenants licensing will have a positive impact in that the council will ensure that their home is safe and properly managed. We know that some BME people and migrants are particularly vulnerable to exploitation with regard to poor housing as they are less likely to know their rights and the standards that are deemed acceptable and

appropriate.

3.4 Can they be maximised? If so, how?

We will be inspecting every licensable property in the area and will give tenants and landlords a point of contact to report issues. By having a higher profile in the area, neighbours will also be able to contact us to report any problems.

#### Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?

We realise that there are some groups of people with protected characteristics – both landlords and tenants- who we need to engage with more effectively. Although we were very pleased with the response we received to our consultation some of these groups were under represented given the profile of wards and we will need to ensure any publicity campaign or information provided is targeted more specifically in some cases. We will work with the voluntary and community sector to ensure the message reaches those who need it most.

We are more aware of the issues and fears of individuals who believe they may be targeted by the scheme but hopefully will be able to allay their fears through the positive steps we will be undertaking.

4.2 What actions have been identified going forward?

We will need to make concerted efforts to inform landlords and tenants who have protected characteristics about the scheme and the help and advice available to them to ensure all sectors are aware of their rights and responsibilities.

We will better define households affected in our literature and those that are exempt to avoid any misunderstanding.

We will develop a communications plan and identify key community groups to work with.

4.3 How will the impact of your proposal and actions be measured moving forward?

The aim of the scheme is to improve housing conditions and unsatisfactory management in the HMOs in the specified wards. When a property is licenced, it will be inspected and the landlord issued with a notice of any necessary works to bring it up to standard. Further inspections will follow until the landlord is compliant.

The data will show us how many properties have a licence, how many fail to meet licensing conditions and in time, how many properties now comply with licensing conditions. Those landlords, who fail to licence or to bring their properties up to standard, will be investigated and face prosecution.

These steps will all be recorded and progress closely monitored to ensure the scheme aims are being met i.e. improve property conditions in HMOs and stop unsatisfactory property management practises.

We will undertake a review of the scheme within three years of the designation to check

progress is being made.

We hope that individuals will be empowered to report poor conditions and poor management practises as we will already be involved in an inspection programme etc. so the tenants do not have to fear retaliatory action if they report anything because the landlord will assume that the actions we take are normal licensing activity.

Service Director Sign-Off:



Date: 07/02/2019

Equalities Officer Sign Off:



Duncan Fleming

Date: 1/2/2019