Cabinet 16 March 2015 Agenda item 8 Appendix 2 Equality Analysis Form

An Equality analysis enables us to target our services, and our budgets, more effectively and understand how they affect all our communities. It also helps us comply with the Equalities Act 2010.

For more information about when you should carry out an equality analysis, who should do this and the support available, go to the equality analysis intranet page.

This form has four sections

- 1: decide whether a full equality analysis is needed. If not, you do not complete sections 2-4.
- 2: gathering evidence
- 3: determining actions
- 4: decision and next steps

Appendix One – Decision-making process Appendix Two - data broken down by Protected Characteristics



Name of document			Selective licensing equality analysis		
Versio	Date reviewe	Date of next			
n	d	review	Reviewed by	Changes made	

1. Decide whether a full equality analysis is needed

1.1 What are	.1 What are you analysing?						
Question	Guidance	Answer					
What is the name of your change or review?	The change or review may involve:	Introducing a borough-wide selective licensing scheme covering private rented single family homes.					
Teview:	o policies, strategies and frameworks o budgets o plans, projects and programmes o staff structures (including outsourcing) o the use of buildings o commissioning (including recommissioning and decommissioning) o services (for example, how and where they are delivered) o processes (for example thresholds, eligibility, entitlements, and access criteria)						
Why are you doing this?	For example, we are considering cutting a service.	Selective licensing provides the Council with additional powers to require private landlords to meet certain standards concerning the condition and safety of their property, their responsibilities towards their tenants and to take action in relation					

	to nuisance and ASB caused by their tenants. It is a powerful tool that allows the Council to drive up standards in private rented housing and improve outcomes for private tenants, residents and businesses of the borough including: - Safer and better quality housing conditions for tenants - Improved health outcomes for private tenants and their families - Better informed and responsible tenants - More desirable housing areas and improved neighbourhoods - Lower turnover of occupiers producing more stable communities - Improved resident satisfaction - More effective and coordinated enforcement work in tackling nuisance and ASB - Better fraud detection - Improved housing benefit and council tax recovery The Council is convinced selective licensing will drive up standards in the private tented sector for the 30,000 plus households that live in this type of housing. In addition it will help address the growing concern with poorly managed private rented housing that is having a negative effect on Croydon's neighbourhoods and communities. ASB, noise nuisance, fly tipping and other environmental nuisance are issues which have been linked to the failure of private landlords to manage properties in an effective way.
What is likely to be different when you have finished?	If the decision is taken to introduce selective licensing private landlords will be required to apply to the Council for a license to let their property. As part of this process they will be required to ensure the property they intend to let meets certain standards, including: - Providing a gas safety certificate annually to the LHA, if gas is supplied to the house; - Keeping electrical appliances and furniture (supplied under the tenancy) in a

safe condition;

- Keeping smoke alarms in proper working order;

They will also be required to demand references from their prospective tenants and to provide tenants with a written statement of the terms of occupation.

In deciding whether or not to grant the council must consider whether the landlord (or the managing agent) is a 'fit and proper' person. The rules that must be followed in order to determine this are set out in section 89 of the Act. The local authority must have regard to any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed license holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices.

The Council can decide, following the appropriate checks, that the landlord is not 'fit and proper' and therefore refuse to grant a license. The landlord has the right to appeal against this decision. The local authority can also withdraw a license after issue if the licensee is no longer considered a 'fit and proper' person.

The Council must also satisfy itself that the person to whom the license is granted is the most 'appropriate' person – which could involve taking into account whether they are locally resident and have management responsibility for the property in question. This is to ensure that landlords that are not 'fit and proper' persons cannot apply for licenses using a third party.

Satisfactory management arrangements

The Council must also confirm that there are satisfactory management arrangements in place regarding the property; in doing so, it must have regard to a range of factors including: the competence of the manager; management structures; and soundness of the financial arrangements.

Licenses are issued for a period of 5 years, although local authorities may issue

	licences for shorter periods under certain circumstance e.g. where certain requirements of the license had not been met. Sanctions Landlords that fail to comply with any license conditions can be prosecuted. Those prosecuted can face a fine of up to £5,000 for each offence. Operating a property without a license in a designated area can attract a fine of up to £20,000. The local authority is also obliged to take reasonable steps to ensure that applications are made for all licensable properties in the designated area.
What will be the main outcomes or benefits from making this change?	The main benefits of introducing selective licensing are: - Safer and better quality housing conditions for tenants - Improved health outcomes for private tenants and their families - Better informed and responsible tenants - More desirable housing areas and improved neighbourhoods - Lower turnover of occupiers producing more stable communities - Improved resident satisfaction - More effective and coordinated enforcement work in tackling nuisance and ASB - Better fraud detection - Improved housing benefit and council tax recovery There is concern expressed by some respondents to the that the consultation that selective licensing may: - increase homelessness - Increase rents for private tenants - Drive some landlords away from Croydon due to increased regulation

What stage is
your change
at now?

See appendix one for the main stages at which equality analyses need to be started or updated. In many instances, an equality assessment will be started when a report is being written for a committee. If that report recommends that a project or programme takes place, the same equality assessment can be updated to track equality impacts as it progresses. If the project or programme include commissioning or decommissioning, the same equality assessment can be updated again.

Cabinet will make the decision whether to introduce selective licensing on 16 March 2015.

1.2 Who could be affected and how?

Question Guidance		Answer
Who are your internal stakeholders?	For example, groups of council staff, members	Main internal stakeholders (in terms of responsibility for introducing and managing the scheme) are:
		- Deputy Leader and Cabinet Member for homes and regeneration (portfolio holder)
		- Chief Executive (and Council Leadership Team)
		- Executive Director, Development and Environment
		- Director Housing Needs and Strategy
		- Head of Housing Standards and Enforcement
		- Staff on Housing Standards and Enforcement section

Who are your external stakeholders?	For example, groups of service users, service providers, trade unions, community groups and the wider community?	The main external stakeholders (in terms of "persons likely to be affected by the introduction of selective licensing) - Private landlords in Croydon - Managing agents - Associations representing landlords and managing agents - Private rented sector tenants - Residents associations - Residents of Croydon - Businesses in Croydon
Does your proposed change relate to a service area where there are known or potential equalities issues?	Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response. If you don't knw, you may be able to find out on the Croydon Observatory (http://www.croydonobs ervatory.org/)	Yes the 2011 census and the English Housing Survey both show that BME groups are overrepresented, and older and vulnerable people also tend to be overrepresented in poorer condition properties.
Does your proposed change relate to a service area where there are already local or national equality indicators?	You can find out from the Equality Strategy (http://intranet.croydon.n et/corpdept/equalities- cohesion/equalities/docs /equalitiesstrategy12- 16.pdf). Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response	No.

Would your proposed change affect any protected groups more significantly than non-protected groups?	Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response. For a list of protected groups, see Appendix Two.	Yes. As mentioned above the 2011 census and the English Housing Survey both show that BME groups are overrepresented, and older and vulnerable people also tend to be overrepresented in poorer condition properties.
Would your proposed change help or hinder the council in eliminating unlawful discrimination, harassment and victimisation in relation to any of the protected groups?	Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response	The proposed changes would help the Council eliminate unlawful discrimination, harassment and victimisation through the introduction of "fit and proper" person checks on prospective landlords and requirements to let properties in accordance with the law.
Would your proposed change help or hinder the council in advancing equality of opportunity between people who belong to any protected groups and those who do not?	Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response	The proposed changes would help the Council advance equality of opportunity by introducing a consistent set of standards across the borough's private rented housing ensuring all tenants can expect certain standards and levels of service from private landlords
Would your proposed change help or hinder the council in fostering good relations between people who belong to any protected groups and those who do not?	Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response	The proposed changes would neither help nor hinder fostering good relations between people who belong to any protected groups and those who do not.

1.3 Decision

If you answer "yes" or "don't know" to ANY of the questions in section 1.2, you should undertake a full equality analysis. This is because either you already know that your change or review could have a different/significant impact on protected groups (compared to non-protected groups) or because you don't know whether it will (and it might).

(compared to non-protected groups) or because you don't know whether it will (and it might).						
Decision	Guidance	Response				
No, further equality	Please state why not and outline the information that	-				
analysis is not required	you used to make this decision. Statements such as					
	'no relevance to equality' (without any supporting					
	information) or 'no information is available', could leave					
	the council vulnerable to legal challenge. You must					
	include this statement in any report used in					
	decision making, such as a Cabinet report					
Yes, further equality	Please state why and outline the information that you	Yes further equality analysis is required – for				
analysis is required	used to make this decision. Also indicate	details of the analysis carried out see the sections				
	- when you expect to start your full equality analysis	below. The evidence used in this analysis is				
	- the deadline by which it needs to be completed (for	Census 2011 data, information published in the				
	example, the date of submission to Cabinet).	English Housing Survey, and information collected				
	- where and when you expect to publish this analysis	as part of the consultation process.				
	(for example, on the council website).					
	You must include this statement in any report used					
	in decision making, such as a Cabinet report.					
Officers that must	Name and position					
approve this decision		Date				
Report author	Shayne Coulter, Head of Private Sector Housing					
	Standards and Enforcement	6 March 2015				
Director	Peter Brown, Director Housing Needs and Strategy	6 March 2015				

2. Evidence Considered

List the documents and information that have been considered as part of this review to enable reasonable judgments to be made on the assessment of impact.

This section needs to include consultation data and desktop research (local and national data).

Quantitative /quantative data

Census 2011

Sex

Housing tenure by sex shows that a higher proportion of households headed by women (than households headed by men) live in social rented housing. A lower proportion of households headed by women live in private rented accommodation

Age

Housing tenure by age shows that a lower proportion of people aged over 50 live in private rented accommodation; however a higher proportion of people aged 0-49 live in private rented accommodation.

Ethnicity

Housing tenure by ethnicity shows that a higher proportion of households in the White ethnic group owns their home outright than the general population, and that a lower proportion rent from a private landlord. A higher proportion of households in the Black ethnic group rent from a private landlord, and that a higher proportion rent from a social landlord. A lower proportion of households in the Black ethnic group own their homes outright than the general population. Households in the Asian ethnic group have a higher proportion that own their home outright and that rent privately from a landlord than the general population. A lower proportion of Asian households rent from a social landlord.

Source: DC4203EW - Tenure by ethnic group (NOMIS)

Disability

Housing tenure by long-term health problem or disability shows that households with a long term health problem or disability that limits their activities a lot are more likely to live in social rented or owner occupied housing than housing rented from a private landlord Source: DC3408EW - Long-term health problem or disability by tenure by sex by age

Overcrowding

Housing tenure by occupancy rating shows that overcrowded households are more likely to live in private rented accommodation that the general population

Source: DC4105EWla - Tenure by occupancy rating (bedrooms) by household composition (NOMIS)

English Housing Survey 2013

Key findings from the 2012/13 English Housing Survey relevant to private rented housing and equalities include:

- The private rented sector had the youngest age profile of the three tenures with half of all HRPs (51% or 2.0 million households) aged under 35. Of these, 580,000 (15%) were in the 16-24 age group while 1.4 million (36%) were aged 25-34.
- One tenth (10%) of all HRPs in England were from an ethnic minority background. In the social and private rented sectors, this proportion was higher (16%) whereas the proportion for owner occupiers was closer to the national average (8%).

2.1 Analysing Impact

As already set out above the main benefits of introducing selective licensing are:

- Safer and better quality housing conditions for tenants
- Improved health outcomes for private tenants and their families
- Better informed and responsible tenants
- More desirable housing areas and improved neighbourhoods
- Lower turnover of occupiers producing more stable communities
- Improved resident satisfaction
- More effective and coordinated enforcement work in tackling nuisance and ASB
- Better fraud detection
- Improved housing benefit and council tax recovery

Data from the 2011 census and the English Housing Survey indicate that the following groups would benefit from improvements to private rented housing conditions:

- Younger adults between 16-50
- BME households, but particularly Black and Asian households
- Older and vulnerable people who are tend to be overrepresented in poorer condition private rented homes
- Lone parents

The impact of more general improvements experienced by local communities such as reductions in ASB, fly tipping and environmental nuisance, less "churn" of households moving in an out of neighbourhoods, more desirable housing areas would be felt equally across the general population and would not disproportionately impact groups with protected characteristics.

The potential negative impacts of introducing selective licensing include:

- increase homelessness
- Increase rents for private tenants
- Driving some landlords away from Croydon due to increased regulation and costs

Data from the 2011 census, the English Housing Survey and included in the equality impact assessment for the housing strategy 2011-15 indicates that these potential negative impacts could impact the following groups:

- Younger adults
- Women
- Lone parents
- BME households, particularly Black and Asian households

2.2 Is there any evidence missing? If so, how will you gather this missing evidence?

If you do not have all the evidence you need to make an informed decision, talk to your departmental equality lead about practical ways to gather it. For example, if you do not have time to conduct a survey, is there a way can increase your understanding before undertaking more robust research at a later date? Perhaps by meeting with stakeholders. The depth and degree of any consultation or research will be determined by the relevance of the change or review to different groups. Those who are likely to be directly affected should be consulted. Read the corporate public consultation guidelines before you begin. If you really cannot gather any useful information in time, then note its absence as a potential negative impact and describe the action you will take to gather it in section 3. Insert new rows as required.

There is sufficient evidence available to enable an informed decision to be made on the proposals.

3. Determining Actions

The overall potential impact is the likelihood of the impact multiplied by the strength of that impact. The higher the score, the more significant the impact. The tables below identify actions to be taken to minimise negative impacts or maximise positive impacts within the programme.

Key

Likelihood score

5	Most certain	In more than 80% of the circumstances
4	Most likely	In 51-80% of circumstances
3	Possible	In 21-50% of circumstances
2	Unlikely	In 6-20% of circumstances
1	Rare	In 5% of circumstances or less

Strengt h score	Degree of impact	Proportion of protected groups affected			
5	Very great impact	Several protected groups in more than one category (e.g. religion and gender) would be differently affected (compared to non-protected groups).			
4	Great impact	Several protected groups in one category (e.g. religion) would be differently affected (compared to non-protected groups)			
3	Some impact	All of one protected group would be differently affected (compared to non-protected groups)			
2	Little impact	The majority of one protected group would be differently affected (compared to non-protected groups)			
1	Minimal impact	A minority of one protected group would be differently affected (compared to non-protected groups).			

3.1 Minimising Potential Negative Impacts								
Ref	Protected Group	Potential Negative Impact	Likelihoo d Score	Strengt h Score	Overal I Impact Score	Action	Action Owner	Date Action will be completed
3.1 A	BME, Younger Adults Lone parents Older adults Vulnerable adults	Increased homelessne ss	1	3	3	Homeless prevention activity	Head of Housing Needs and Assessment S	On-going
3.1 B	BME, Younger Adults Lone parents Older adults Vulnerable adults	Increased rents	1	2	2	Income maximisation and	Welfare Rights Team	On-going
3.1 C	BME, Younger Adults	Landlords leaving	2	1	2	None	-	-

3.1 Minimising Potential Negative Impacts

Lone parents Older adults Vulnerable adults Croydon

Ref	Protected Group	Potential Positive Impact	Likeli- hood Score	Strengt h Score	Overall Impact Score	Action	Action Owner	Date Action will be completed
3.2 A	All	Reduced ASB and nuisance	5	4	20	Safer Croydon Strategy	Head of Public Safety	On-going
3.2 B	BME, Younger Adults Lone parents Older adults Vulnerable adults	Better housing conditions and standard of management	5	4	20	Housing enforcement	Head of Private Sector Housing Standards and Enforcemen	On-going

4. Decisions

4.1 Based on the information in sections 1-3, what are you going to do?

Decision	Definition	Yes/no
We will not make any major change to our project because it already includes all appropriate actions	Our assessment shows that there is no potential for discrimination, harassment or victimisation and that our project already includes all appropriate actions to advance equality and foster good relations between groups.	YES
We will adjust our project	We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good	NO

	relations between groups through our project. We are going to take action to change our project to make sure these opportunities are realised.	
We will continue our project as planned because it will be within the law	We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through your project. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned.	NO
We will stop our project	Our project would have adverse effects on one or more protected groups that are not justified and cannot be lessened. It would lead to unlawful discrimination and must not go ahead.	NO
You may find it useful to consult Ap	pendix One before completing this section.	
Does this analysis have to be considered at a scheduled meeting?	If so, please give the name and date of the meeting.	Yes, Cabinet on 16 March 2015
When and where will this equality analysis be published?	An equality analysis should be published alongside the policy or decision it is part of. As well as this, the equality assessment could be made available externally at various points of policy development. This will often mean publishing your analysis before the policy is finalised, thereby enabling people to engage with you on your findings.	It will be published with the Cabinet report
When will you update this analysis?	Please state at what stage of your project you will do this and when you expect this update to take place. If you are not planning to update this analysis, say why not.	No update is planned to the analysis – the reason being it has been carried out to support the decision to introduce selective licencing and further analysis it

		not required once the decision is made.				
4.3 I confirm that the information	4.3 I confirm that the information in sections 1 - 4 is accurate, comprehensive and up-to-date					
Officers that must approve this decision	Name and position	Date				
Report author	Shayne Coulter, Head of Private Sector Housing Standards and Enforcement	6 March 2015				

Appendix one: decision making processes

You may only need to develop one equality analysis, updating it as you move from proposing the change to monitoring its implementation.

In many instances, an equality assessment will be started when a report is being written for a committee. If that report recommends that a project or programme takes place, the same equality assessment can be updated to track equality impacts as it progresses. If the project or programme includes commissioning or de-commissioning, the same equality assessment can be updated again.

Budget setting

For department budget setting, check that each line will have already have appropriate equality analysis under one of the other decision making processes. The corporate budget will be covered under the process for the report to full council.

How to use this table

This table outlines the key council decision making processes. Select the process on the top row that you are currently involved in, then read down the column to find out what to do when.

Decision making process	Report to committee, cabinet or full council	Project management	Programme management	Commissioning
Key contact	Solomon Agutu	Tanwa Idris	Tanwa Idris	ccb@croydon.gov.uk
	Report Writing			
	Instructions and	Corporate Programme	Corporate Programme	
Link to process	<u>Templates</u>	Office (CPO)	Office (CPO)	Procurement Board
Develop section one of the	When you start writing			When you start writing
equality analysis	your report	Business case	Gateway 1/2	When you start writing
Develop full equality	Before you submit your	Project initiation		your procurement strategy
analysis	report to CMT	document	Gateway 3	report
	When full council,			If the award report goes to
	cabinet or committee			Corporate Services
	decision made or at key			Committee and as part of
Revise full equality	stages in any action plan	At the end of each	At then end of each	contract monitoring
analysis	included in the report	project stage	tranche	schedule
	At the final stage of any			
Write final full equality	action plan included in			
analysis	the report	Post project review	Gateway 6	Final monitoring stage

Who to send the equality	Corporate equality team	Corporate equality team	Corporate equality team	Corporate equality team
analysis to	and democratic services	and project team	and programme team	and procurement team

Appendix two: data broken down by Protected Characteristics

The information below is taken from the 2011 census unless otherwise indicated.

Age groups	Number of	Percentage	
	people		
0-4 years	27,972	7.7%	
5-7 years	14,388	4.0%	
8-9 years	8,708	2.4%	
10-14 years	23,130	6.4%	
15 years	4,912	1.4%	
16-17 years	9,934	2.7%	
18-19 years	8,720	2.4%	
20-24 years	23,591	6.4%	
25 -29 years	27,692	7.6%	
30-44 years	82,439	22.7%	
45-59 years	70,488	19.4%	
60-64 years	17,029	4.7%	
65-74 years	23,155	6.4%	
75-84 years	15,318	4.2%	
85-89 years	3,881	1.1%	
Over 90 years	2,021	0.6%	
People with long term illnesses or disabilities	363,378		
Blind or visually impaired	These categorie	s were not	
Deaf or hearing impaired	recorded as suc	h in the 2011	
Other communication impairment	census. However, this did record		
Mobility impairment	that there were 24,380 people		
Learning difficulty or disability	(6.7%) whose day to day activities		
Mental health condition		were limited a lot by long term	
HIV, multiple sclerosis or cancer	illness or disability and 28,733		

Other (please specify)		
	` ,	ay to day activities
Gender	were limited a lit	tle (Office of
Male	176,224	48.5%
Female	187,154	51.5%
Ethnicity	Number of	Percentage
	people	
White British	171,740	47.3%
White Irish	5,369	1.5%
White Gypsy or Irish Traveller	234	0.1%
Other White background	22,852	6.3%
Black African	28,981	8.0%
Black Caribbean	31,320	8.6%
Other Black background	12,955	3.6%
Bangladeshi	2,570	0.7%
Chinese	3,925	1.1%
Indian	24,660	6.8%
Pakistani	10,865	3.0%
Other Asian background	17,607	4.8%
Mixed White and Black Caribbean	9,650	2.7%
Mixed White and Black African	3,279	0.9%
Mixed White and Asian	5,140	1.4%
Other Mixed background	5,826	1.6%
Arab	1,701	0.5%
Other ethnic group (please specify)	4,704	1.3%
Religion	Number of	Percentage
Duddhiat	people	0.700/
Buddhist	2,381	0.70%
Christian Hindu	205,022	56.40%
Jewish	21,739	6.00%
	709	0.20%
Muslim	29,513	8.10%

Sikh	1,450	0.40%		
	•			
No religion/faith	72,654	20.00%		
Other (please specify)	2,153	0.60%		
Sexual orientation				
Lesbian	There are no figure census. However	ures from the 2011		
Gay	that there were 2	20,370 lesbians,		
Bisexual		al and transgender		
	people living in C	Croydon in 2001.		
	(London LGBT)	(London LGBT)		
Transgender				
Transgender				
Pregnancy or maternity				
Pregnant	These categories	s were not		
On compularity maternity leave	recorded as such	recorded as such in the 2011		
On compulsory maternity leave	census. Howeve	census. However, there were 5,720		
	live births in 201			
		National Statistics)		
Marriage or civil partnership				
Married	122.012	42.9%		
	122,013			
In civil partnership	796	0.3%		