

EQUALITY IMPACT ASSESSMENT – HMO Additional Licensing Project

Completing an EIA is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision.

SECTION 1:

Title	HMO Additional Licensing Project
<p>What are you analysing?</p> <ul style="list-style-type: none"> • What is the policy/project/activity/strategy looking to achieve? • Who is it intended to benefit? Are any specific groups targeted by this decision? • What results are intended? 	<p>This EIA analyses the council’s proposal to introduce an additional licensing scheme for all HMOs in Westminster. The scheme aims to:</p> <ul style="list-style-type: none"> • Improve housing standards in properties where data has shown there are the worst conditions – including in HMOs called 257 HMOs where there are an estimated 6,673 private rented sector properties in Westminster likely to have a ‘serious home hazard’ • Put the onus on landlords to be compliant with the conditions of the license which includes requirements around fire safety and overcrowding • Provide councils with increased powers to address poor conditions and other issues such as the let to let practice <p>The proposal is intended to benefit HMO residents who are living in the cheapest accommodation in Westminster and likely to have lower incomes than other residents and fewer housing choices.</p> <p>The scheme is intended to ensure hazards are removed from HMOs which impact negatively on health, for example excess cold and result in properties being safer for example as fire safety is improved.</p> <p>Background</p> <p>Following a review of conditions within Westminster City Council’s private rented sector, the exercise has shown that conditions and management are at their worst within Houses in Multiple Occupation (HMOs) across the city.</p> <p>The Council currently only operates the mandatory national HMO licensing scheme. This covers HMOs occupied by a minimum of 5 persons forming 2 or more households. Such HMOs can be of any height from a single storey flat to a multi-storey building with shared amenities. However, this scheme does not cover certain HMOs, termed Section 257 HMOs, which are buildings converted into self-contained flats</p>

	<p>in the past without building regulation approval. The scheme also excludes flats located in purpose-built blocks comprising 3 or more purpose-built flats.</p> <p>It is known that these two categories of properties presently excluded from mandatory licensing present significant housing hazards and are found in large numbers in Westminster due to its stock profile.</p> <p>An additional licensing scheme will broaden the scope of HMOs we can license to include these two important categories of HMO in order to bring about improvements and raise standards.</p> <p>After comprehensive research conducted by Metastreet, it was predicted through modelling that 'there are 6,773 private rented properties in Westminster that are likely to have a 'serious home hazard': this is a Category 1 (the highest rating) rated hazard by the Housing, Health and Safety Hazard Rating System. Implementation of an additional licensing scheme across Westminster would provide the council with increased powers to address these issues and ensure a high-quality standard of HMOs within the private rented sector across the city. Poor housing conditions are prevalent in the HMO sector: 4,178 (42.5%) HMO properties in Westminster are predicted to have at least 1 serious hazard (Category 1, HHSRS). Most London boroughs have already implemented additional licensing schemes to address such issues relating to HMOs.</p> <p>Following this report:</p> <ul style="list-style-type: none"> • The council are asked to make a decision of the introduction of the scheme on 21 April 2021 • This is to assist in the management and improvement of housing standards. • This scheme is expected to drive up standards in the private rented sector putting onus on landlords to be proactively compliant with our housing standards and conditions
<p>Details of the lead person completing the screening/EIA</p>	<p>(i) Full Name: Rebecca Gordon</p> <p>(ii) Position: Project Manager</p> <p>(iii) Unit: Public Protection and Licensing</p> <p>(iii) Contact Details: rgordon1@westminster.gov.uk</p>
<p>Date sent to Equalities@westminster.gov.uk</p>	<p>N/A</p>
<p>Version number and date of update</p>	<p>V.2 – 6 April 2021</p>
<p><i>You will need to update your EIA as you move through the decision-making process. Record the version number here and the date you updated the EIA. Keep all versions so you have evidence that you have</i></p>	

considered equality throughout the process. However only the most updated version will be saved in the Equalities SharePoint folder.

SECTION 2: Do you need to complete a full Equality Impact Assessment (EIA)?

Not all proposals will require a full EIA, the assessment of impacts should be proportionate to the nature of the project/policy in question and its likely impact. To decide on the level of detail of the assessment required consider the potential impact on persons with protected characteristics.

2.1	<p>Please provide an overview of who uses/will use your service or facility and identify who are likely to be impacted by the proposal¹</p> <ul style="list-style-type: none"> <i>If you do not formally collect data about a particular group then use the results of local surveys or consultations, census data, national trends or anecdotal evidence (indicate where this is the case). Please attempt to complete all boxes.</i> <i>Consider whether there is a need to consult stakeholders and the public, including members of protected groups, in order to gather information on potential impacts of the proposal</i> 																		
	<p>How many people use the service currently? What is this as a % of Westminster’s population?</p>	<p>42.9% of Westminster lives in the PRS. Around 9000 + HMOs are predicted in the sector. Based on estimates of our average HMO occupation, over 7% of Westminster’s population live in this type of housing.</p> <p>Landlords will be required to licence their properties, however we have no data on this group.</p>																	
	<p>Gender</p>	<p>We do not collect information on gender in our HMOs.</p>																	
	<p>Race</p>	<ul style="list-style-type: none"> HMO occupants are predicted to be predominantly white (around 88.9% for 254 HMOs, 89% for 257 HMOs). With the next most prominent group predicted as Asian (around 6.5% for 254 HMOs, 5.8% for 257s). 																	
	<p>Disability</p>	<p>Around 7.5% of all HMO occupants are predicted to require disability living allowance.</p>																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%;">HMOs</th> <th style="width: 40%;">Westminster population (GLA Ethnic Projections for 2018 – persons)</th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>White</td> <td></td> <td>60%</td> <td></td> <td></td> </tr> <tr> <td>Asian</td> <td></td> <td>12%</td> <td></td> <td></td> </tr> </tbody> </table>		HMOs	Westminster population (GLA Ethnic Projections for 2018 – persons)			White		60%			Asian		12%				
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¹ Please note all the analysis in this proposal is based on predictive data from Acorn. Therefore the figures in this report can only be indicative of the demographics prevalent in the occupants of Houses in Multiple Occupation.

	Sexual orientation	We do not collect information around sexual orientation in our HMOs.						
	Age	<ul style="list-style-type: none"> • Amongst 254 HMOs age demographic is quite evenly spread. • In 257 HMOs however, it appears that there are slightly more 55-64 year olds living in 257 HMOs. 						
	Religion or belief	<ul style="list-style-type: none"> • Both HMO type occupants are predicted to be predominantly of Christian faith (around 88%) with the next most prevalent predicted faith being Muslim (around 6.7%). 						
	Other	<ul style="list-style-type: none"> • HMO occupants are more likely to be single, less likely to have children and have low incomes. 						
<p>2.2 Are there any groups with protected characteristic that are overrepresented in the monitoring information relative to their size of the population? If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service.</p>	<p>Using predictive data HMO residents are more likely to have a white background.</p> <p>We acknowledge this means our scheme disproportionately impacts on residents who are classified as white within Westminster. However, we have assessed these impacts and we believe these impacts should be positive as this will mean the sector is better regulated with less hazards present.</p> <p>There are no groups with protected characteristics overrepresented in the monitoring information.</p>							
<p>2.3 Are there any groups with protected characteristics that are underrepresented in the monitoring information relative to their size of the population? If so, this could indicate</p>	<p>In relation to the overall Westminster Population² all ethnic groups other than White are unrepresented. This means based on the data we are able to analyse there is a low proportion of groups with protected characteristics living in HMOs³.</p> <p>The below table displays the breakdown of ethnicity in the PRS and overall Westminster population.</p> <table border="1" data-bbox="405 1783 1259 1939"> <thead> <tr> <th></th> <th>Private tenants (City Survey 2018 & 2019)</th> <th>Westminster population (City Survey 2018 & 2019)</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>54%</td> <td>59%</td> </tr> </tbody> </table>			Private tenants (City Survey 2018 & 2019)	Westminster population (City Survey 2018 & 2019)	White	54%	59%
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White	54%	59%						

² Data collected in the 2018&2019 City Survey

³ We do not hold information on this group regarding age or disabilities.

<i>that the service may not be accessible to all groups or there may be some form of direct or indirect discrimination occurring.</i>	Black	13%	12%
	Arab	5%	4%
	Asian	17%	15%
	Other/Unspecified	11%	10%

This is a breakdown of the predicted occupancy in HMOs in terms of ethnicity.

White	Mixed	Asian	Black	Other ethnicity
88.9%	1.2%	6.5%	2.7%	0.7%

2.4 Does the project, policy or proposal have the potential to disproportionately impact on people with a protected characteristic? If so, is the impact positive or negative?

As part of the scheme there is a proposal to increase the minimum room size standard 'space standard' for bedrooms from 6.51 Sq Metres to 7.5 Square Metres to provide an acceptable standard of living. It is also proposed to increase size requirements from 6.51 m² to 9 m² for a single bedsit room and from 10.22 m² to 12 m² for a double bedsit room. This is in line with Westminster's standards prior to 2018 and is in line or below the standard of nearby boroughs.

This may remove the ability to let some smaller 'box rooms' and disproportionately affect low income tenants paying the cheapest rent. The scheme may also identify undersize rooms which in turn could lead to an increase in rent if landlords are to let a fewer number of rooms. A mitigating factor will be that existing tenants will not be expected to vacate undersize rooms unless they do not meet the statutory minimum size of 6.51 m².

The overall benefit of improving the quality of the accommodation from a health and wellbeing perspective is likely to outweigh this potential concern. It would be considered that HMO's will still be able offer the same level of affordable accommodation across the borough. Low income residents in sub-standard accommodation will be provided with adequate support and signposting to support services where necessary.

As the scheme is borough wide, it would not be envisaged that specific demographic groups would be adversely affected. There is no evidence to suggest from schemes in other local authority areas that increased rents result. It is likely that other factors will mitigate against any costs incurred by landlords. Improved standards and better quality accommodation should increase tenant satisfaction and reduce turnover of tenants.

	None	Positive	Negative	Not sure
Men or women	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled ⁴ people (consider different types of physical, learning or mental disabilities)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁴ Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

	People in particular age groups (consider in particular children, under 21s and over 65s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Impact due to pregnancy/ maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People of particular faiths and beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People on low incomes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>If any of the answers to the questions above is, “negative” or “unclear” you will need to undertake a detailed impact assessment.</p>					

2.5	Based on your responses, should a full, detailed EIA be carried out on the project, policy or proposal
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2.6	Provide brief reasons on how have you come to this decision?
	Although we have assessed that there should be no negative impacts that should disproportionately impact on those with protected characteristics, we have decided to complete a full EIA due to the proposed scheme being borough wide and therefore higher impact.

SECTION 3: ASSESSING THE IMPACT

In order to be able to identify ways to mitigate any potential impact it is essential that we know what those potential impacts might be. Using the evidence gathered in section 2, explain what the potential impact of your proposal might be on the groups you have identified. You may wish to further supplement the evidence you have gathered using the table below in order to properly consider the impact.

Protected Group		Positive impact?			Negative impact? If so, please specify the nature and extent of that impact	No specific impact	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	What, if any, are the cumulative effects of this decision when viewed in the context of other Council decisions and their equality impacts
		Eliminate discrimination	Advance equality	Good relations				
Gender	Men					X		
	Women					X		
Race	White			X			A proportion of shared accommodation is likely to be occupied by migrants and new arrivals to the country. The licensing scheme should reduce the possibility of exploitation and discrimination by ensuring fit and proper licence holders are in place. Any landlord with a history of harassment, discrimination or other illegal practices such as illegal evictions will not be permitted to hold a licence.	
	Mixed/Multiple ethnic groups			X				
	Asian/Asian British			X				
	Black/African/Caribbean/Black British			X				
	Gypsies / travellers			X				
	Other ethnic group			X				
Disability	Physical			X			Improving the standard of HMO accommodation should have a positive	
	Sensory			X				

	Learning Difficulties			X			impact on the physical and mental health of tenants.	
	Learning Disabilities			X			Licence holders who discriminate on the grounds of disability will also be held to account.	
	Mental Health			X			Through licensing inspections, officers will have the opportunity for better engagement with harder to reach tenants with opportunities for signposting and support from partner organisations where appropriate. Care will be taken ensure that information concerning the scheme is accessible to all.	

Protected Group		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action)	What are the cumulative of effects
		Eliminate discrimination	Advance equality	Good relations				
Sexual Orientation	Lesbian, gay men, bisexual			X			<p>Implementation of the scheme will provide for well run and managed property, with fit and proper landlords and the ability to report discrimination from landlords and other tenants on the grounds of sexual orientation.</p> <p>Officers will be mindful that same sex households will be present in HMO accommodation when determining occupancy levels.</p>	
Age	Older people (50+)			X			<p>Improving the standard of living accommodation will likely have a positive impact on all age groups. It should also have a positive impact on older people who are often more susceptible to hazards such as excess cold and falls.</p>	
	Younger people (16 - 25)			X				

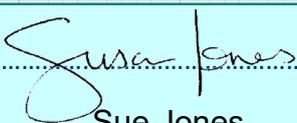
Gender Reassignment			X			There is no specific data concerning this group when it comes to HMO's however it is recognised that this group face a greater risk of homelessness. The scheme should ensure that all licence holders are fit and proper and offer a means to report discrimination both from landlords and hostile living environments.	
Impact due to pregnancy/maternity			X			Improvement of property conditions and standards should have a positive impact on the health and wellbeing for this group ensuring occupation standards are met and issues that could affect the health of vulnerable groups are addressed promptly by landlords.	
Groups with particular faiths and beliefs			X			Ensuring fit and proper landlords and the ability to report discrimination from landlords and other tenants on the grounds of faith and beliefs should have a positive impact across the borough.	

<p>People on low incomes</p>				<p>X</p>		<p>The overall benefit of improving the quality of the accommodation from a health and wellbeing perspective is likely to outweigh this potential concern about increase in rent due to enforced property improvements.</p> <p>It would be considered that HMO's will still be able offer the same level of affordable accommodation across the borough. Low income residents in sub-standard accommodation will be provided with adequate support and signposting to support services where necessary.</p> <p>Where the council identifies undersize units of accommodation, the existing tenant will be permitted to stay in that unit providing it do not contain other significant hazards and meets the statutory minimum space standard.</p>	
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SECTION 4: ACTION PLAN

4.1	Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps. Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete. NB. Add any additional rows, if required.						
	Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG
	Benchmarking Fees against local authorities	Low Income	To ensure our fees are fair and proportionate	Finance	Usha Kalidas	06/04/2021	Green
	<i>Enter additional rows if required</i>						

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER

SIGNATURE: 

FULL NAME: Sue Jones

UNIT: Public Protection & Licensing

EMAIL & TELEPHONE EXT: sjones@westminster.gov.uk

DATE (DD/MM/YYYY): 07/04/21

WHAT NEXT?

It is the responsibility of the service to complete an EIA to the required standard and the quality and completeness of EIAs will be monitored by EMT.

All EIAs for proposed changes to levels of service arising from budget proposals must be completed by (insert date).

All completed EIAs should be sent to Equalities@westminster.gov.uk