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Diversity Impact Assessment: Screening Form

Directorate Business Support	Name of Function or Policy or Major Service Change Private Sector Housing Team – revision of policy on Houses in Multiple Occupation		
Officer responsible for assessment Susan Pledger	Date of assessment September 2009	New or existing? Existing	
Defining what is being assessed			
1. Briefly describe the purpose and objectives	The policy for Houses in Multiple Occupation (HMO) has been developed to inform owners and residents of HMOs on the legislation for this type of property and how it will be enforced by the Private Sector Housing Team (PSH). It provides guidance on expected standards and what action will be taken by the PSH where it encounters HMOs not achieving the required standards.		
2. Who is intended to benefit, and in what way?	Owners – to provide guidance and advice on the legislation and standards required for HMOs that will help them avoid enforcement action being taken. Tenants – will know what standards to expect when renting this type of property, their landlords' obligations and what service they can expect from the PSH team if they make a request for service from the PSH team.		
3. What outcomes are wanted?	Owners understand and comply with their obligations when letting out this type. Residents of HMOs live in properties that are healthy and safe.		
4. What factors/forces could contribute/detract from the outcomes?	Contribute Improved information for both owners and tenants so providing a better quality of service. Better engagement between owners, tenants and the PSH team	Detract Owners resistant to committing resources to complying with their obligations.	
5. Who are the main stakeholders?	Medway Council, property owners, letting agents, residents and potential residents for HMOs, and Shelter and other housing advice agencies.		
6. Who implements this and who is responsible?	Medway Council has the powers as the local housing authority to enforce the relevant legislation when required. The PSH team will lead on implementing the HMO policy.		

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Assessing impact

Medway's Housing Strategy is based on extensive consultation, including a 2007 Housing Needs Survey (HNS) comprising postal survey to over 5,000 households (25% response rate), and over 1,000 face-to-face interviews and inspections of property). We have also commissioned research on the needs of N Kent Gypsies & Travellers, and on support in housing for people with learning disabilities, physical disabilities and for older people, and on the needs of rural communities. The Housing Strategy DIA was reviewed by a DIA Panel Meeting on 26 June 2008 which was attended by Chairs of Medway Access Group, Medway Inter-Faith Action, Medway Racial Equality Council, and the managers of Medway Council's Housing Strategy, Research & Review, and the Head of Organisational Development.

The information was used to produce 'sub strategies' including those on Older People, BME groups, Younger People, and People with Disabilities which went then for consultation with relevant groups (see Community Management Framework) and were published on the Council's website for comment, and circulated to stakeholders and partners for comment. These were also considered by the Overview and Scrutiny Committee for Health and Community Services.

7. Are there concerns that there could be a differential impact due to *racial groups*?

YES

Brief statement of main issue

What evidence exists for this?

The imposition of a framework for good management, the provision of a good basic level of standard amenities and the subsequent remedying of actionable hazards in licensed HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers. Any cultural issues will be considered before enforcing standards.

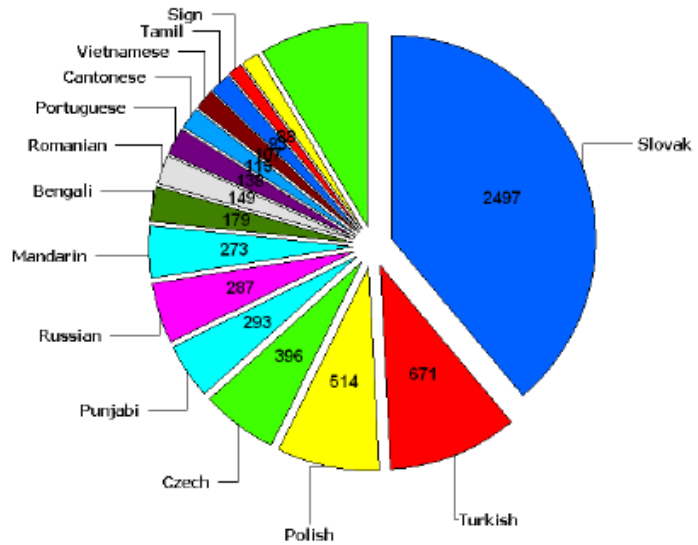
Landlords who fail to licence a property risk legal action being taken against them. HMO licensing has been widely publicised through forums, the Landlords' expo and through newsletters using existing databases. BME landlords may not have been reached by these traditional lines of communication, future monitoring should establish this.

The most recent BME Housing Needs Survey (2006) of Medway found that 7.0% of households contained BME groups. The largest BME groups present in Medway according to the Survey (2006) are Indian 1.3%, Other White 1.3%, Irish 1% and Black

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Caribbean 0.6%. These ethnic classifications are those defined by the office of National Statistics and used nationally for the census. However the Census does not allow groups like Slovaks to be data captured, despite them being a significant group in Medway.

Information for tenants and landlords can be made available in a range of languages. Tenants of licensed properties may have language difficulties when understanding communications in respect of licensing. The graph below shows this.



It shows that between April 2008 and August 2009 the greatest demand was for information in Slovak, accounting for nearly 40%. The next highest categories were Turkish at 10%, and Polish at 8%. Tenants are written to at the issue of a licence. However in Medway HMO tenants tend to be white, unemployed or students.

<p>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</p>	<p>YES</p>	<p>Brief statement of main issue</p>
<p>What evidence exists for this?</p>	<p>Enforcement action following identification of hazards in a licensed HMO is undertaken having regard to the Enforcement Policy and guidance to staff. The choice of enforcement options takes into account the vulnerability of those affected.</p> <p>The LACoRS fire safety guidance has been incorporated into licensing standards and includes a risk assessment that takes into account disability.</p> <p>The completion of a complicated licence application form can be difficult for those with certain</p>	

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		<p>impairments. There can also be communication difficulties if legal action is taken for noncompliance with HMO licence provisions.</p> <p>However assistance is offered to all landlords to complete the application form. Where necessary, a BSL interpreter can be provided or other assistance given.</p>
<p>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</p>		Brief statement of main issue
	NO	
<p>What evidence exists for this?</p>		<p>HMO licensing improves the management of properties and identifies properties where action can be taken to resolve hazards.</p> <p>By actively searching for unlicensed properties the number of tenants benefiting is increased.</p> <p>Licensing is used to promote the Accreditation scheme and through this, higher standards (particularly for energy efficiency and security) are provided. These positive impacts will apply to all the groups considered.</p>
<p>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</p>		Brief statement of main issue
	NO	
<p>What evidence exists for this?</p>		<p>Our approach to HMO licensing is very unlikely to create an impact on individuals because of their sexual orientation. However, should someone consider that this is in fact the case we will consider the points made. No issues have been raised hitherto.</p>
<p>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</p>	YES	Brief statement of main issue
<p>What evidence exists for this?</p>		<p>HMO licensing can impose unwanted standards on groups that are living together as a religious community. However the Housing Act 2004 includes an exemption from the HMO definition for such groups; however, the wording is unclear. Each case will be carefully considered and legal advice sought to ensure a consistent and fair interpretation.</p> <p>However, where necessary, we will continue with action to protect tenants.</p>
<p>12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i>?</p>	YES	Brief statement of main issue
	NO	
<p>What evidence exists for this?</p>		<p>Given the high proportion of students and younger people in HMOs, enforcement action could have a disproportionate effect, however this will be monitored on an occasional basis.</p>

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<p>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</p>	<p>NO</p>	<p>Brief statement of main issue</p>
<p>What evidence exists for this?</p>		
<p>14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. young parents, commuters, people with caring responsibilities or dependants, young carers, or people living in rural areas)?</p>	<p>YES</p>	<p>If yes, which group(s)? Students Landlords People in Rural areas (see needs study)</p>
<p>What evidence exists for this?</p>	<p>Tenants and landlords have been considered in the specific equality categories. Those tenants living in hostels are more likely to be vulnerable because of drug or alcohol dependency amongst other reasons. The positive impact of licensing will be particularly relevant to this group and is reinforced by a regular inspection regime that is prioritised in terms of risk.</p> <p>In some cases there may be a legal requirement to reduce the level of occupation to meet space and facility standards. Particularly for students at exam time works can be disruptive. However tenants are informed of the issue of the licence and invited to contact the service to discuss any concerns.</p> <p>Where a reduction in occupation is required, a 12 month period is given to allow this to happen by someone leaving in the normal course of events eg at the end of the academic year. Where this does not happen a further 6 month period is given for possession proceedings to take place. Time periods placed on the landlord can be adjusted to avoid disruption around exam time. The tenants' information leaflet contains information for tenants about HMO licensing.</p> <p>Landlords will be required to carry out works as necessary to meet standards and this could be regarded as a negative impact. However, these are legal requirements. However, staff are provided with guidance as when it is appropriate to allow discretion. Where there are particular circumstances affecting the landlord's ability to carry out the work consideration will be given to extending time periods whilst not compromising tenant safety.</p>	


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15. Are there concerns there could have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?		Brief statement of main issue
	NO	
What evidence exists for this?	Given that many of the strands are interrelated, e.g. disability and age, further specific consideration does not reveal any particular issues.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	Brief statement of main issue
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?		Please explain
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	
NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported). We will also begin monitoring the landlords forum in terms of ethnicity and gender, to ensure that we have a representative sample of landlords. Early indications are that the private landlord pool is very diverse from the point of view of gender, religion and ethnicity.
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

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Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
Gender profile of landlords to be produced.	Desktop analysis completed by 20 th October	Susan Pledger
Ethnic profile of landlords to be produced	Analysis of landlord profile at Landlord's forum March 2010	Susan Pledger
Analysis of enforcement activity on a regular basis by equality category.	Every month from April 2010	Susan Pledger
Review of satisfaction data from landlords.	January 2010	Susan Pledger

Planning ahead: Reminders for the next review		
Date of next review	August 2010	
Areas to check at next review (e.g. new census information, new legislation due)		
Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?	Slovakian community,	
Signed (completing officer/service manager) 	Date 13 th October 2009	
Signed (service manager/Assistant Director)	Date	