

Title of proposed EIA	Selective Licensing Scheme - Private Rented Sector
Reference No	EQUA846
EA is in support of	New Strategy
Review Frequency	Annually
Date of first review	31/03/2024
Directorate	City Operations
Division	Regulation and Enforcement
Service Area	Private Rented Sector
Responsible Officer(s)	<input type="checkbox"/> Sajeela Naseer
Quality Control Officer(s)	<input type="checkbox"/> Leroy Pearce
Accountable Officer(s)	<input type="checkbox"/> Mark Croxford
Purpose of proposal	Introduce a Selective Licensing Scheme in Birmingham in the following wards: Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, wards
Data sources	Consultation Results; relevant reports/strategies; Statistical Database (please specify); relevant research
Please include any other sources of data	<p>Council Plan 2018 - 2022</p> <p>Birmingham Homelessness Prevention Strategy 2017+</p> <p>Empty Property Strategy 2019 to 2024</p> <p>Selective licensing in the private rented sector: a guide for local authorities</p> <p>Housing and Planning Act 2016</p> <p>Article 4 Direction Exempt Accommodation Birmingham Report</p> <p>Housing Conditions Plus</p> <p>Birmingham Child Poverty Commission Report</p>

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Age details:

Service Users / Stakeholders; Wider Community

1,141,400 people live in Birmingham according to the 2018 mid-year population estimates. This is an increase of 4,300 (0.4%) people since 2017.

22.8% (259,000) are children
64.3% (731,500) are of working age
13.0% (147,900) are pensioners

Birmingham has a young population compared to England as a whole. In the 2011 census, the average age of people in Birmingham is 35, while the median age is lower at 32.

In 2016, 46% of residents in Birmingham were aged under 30.

The licensing scheme will apply to any owner of a private rented property irrespective of the age of that person (a person under the age of 18 is not permitted to own property in their own right in English Law).

This will have no effect on tenants of properties in the Selective Licensing areas other than to ensure that proper tenancy conditions are in place.

A person is not eligible to hold an assured short hold tenancy under 16 years of age.

The proposal to introduce selective licensing is intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) and the Housing Act 2004 standards, which will have a positive impact on all age groups.

Vulnerable age groups will particularly benefit from health intervention e.g.

damp and moulds, infections, reduction of trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristic: Disability

Disability details:

Service Users / Stakeholders; Wider Community

One of the potential outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support that is available to disabled people including information on the availability of Disabled Facilities Grant.

Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System and Housing Act 2004 in terms of reasonable adaptations, reducing trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.

Vulnerable age groups will particularly benefit from health intervention e.g. damp and moulds, infections, reduction of trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristic: Sex

Gender details:

Service Users / Stakeholders; Wider Community

In the 2011 census the population of Birmingham was 1,073,045 and is made up of approximately 51% females and 49% males.

There is currently no information relating to the gender profile of landlords. This will be captured and analysed during the consultation exercise.

There is insufficient data available to measure accurately the potential impact of the proposal on gender.

One of the aims of Selective licensing is to tackle antisocial behaviour and crime which is likely to have a positive impact on both genders, particularly for women and girls. Both sexes are likely to benefit from improvement in the private rented sector.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Gender Reassignment

Gender reassignment details:

Service Users / Stakeholders; Wider Community

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Service Users/ Stakeholders; Wider Community

In the 2011 census, 39.2% of people are married, 8.9% cohabit with a member of the opposite sex, 0.8% live with a partner of the same sex, 33.6% are single

and have never married or been in a registered same sex partnership, 8.9% are separated or divorced. There are 49,544 widowed people living in Birmingham.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Pregnancy and Maternity

Service Users / Stakeholders; Wider Community

Pregnancy and maternity details:

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Race

Service Users / Stakeholders; Wider Community

Race details:

Birmingham is even more ethnically diverse than London, the country's capital city. The 2011 census confirmed that 70.4% of the people of Birmingham were white, 19.5% were Asian, 6.1% were Black, 0.5 were Chinese, 2.5% were mixed race, and 0.6 were of another ethnic group.

Selective Licensing may tackle and impact on overcrowding and illegal conversions which may positively or negatively impact on large BME families.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Religion or Beliefs

Service Users / Stakeholders; Wider Community

Religion or beliefs details:

In the 2011 census, the religious make up of Birmingham is 46.1% Christian, 21.8% Muslim, 18.9% No religion, 3.0% Sikh, 2.1% Hindu, 0.4% Buddhist, 0.2% Jewish, 0.1% Agnostic.

70,086 people did not state a religion. 2,238 people identified as a Jedi Knight and 134 people said they believe in Heavy Metal.

The majority of Christians lived in the north, east and south of Birmingham, on the outskirts of the city, with far fewer living in inner-city areas. 51.7% of Birmingham's Hindu population lived in six wards of the city; [Handsworth Wood](#) (2,461), [Springfield](#) Sparkhill, Sparkbrook, Small Heath, Alum Rock, Ward End, Saltley, Bordesley Green, Washwood Heath, Stechford (2,023), Erdington, Bromford [Lozells and East Handsworth](#) (1,761), [Soho](#) (1,699), [Hall Green](#) (1,224) and [Sparkbrook](#) (845). Almost 65% of Birmingham's Jewish population lived within five wards of Birmingham; [Edgbaston](#) (586), [Selly Oak](#) (361), [Moseley and Kings Heath](#) (321), [Bournville](#) (131) and Erdington (104). 71.7% of Birmingham's Muslim population lived in seven wards of Birmingham; Sparkbrook, Sparkhill, Small Heath, Alum Rock, Ward End, Saltley, (19,372), [Bordesley Green](#) (18,629), [Washwood Heath Stechford](#), (16,847), Springfield (13,461), [Aston](#) (12,381), Lozells and East Handsworth (10,853) and [Nechells](#) Erdington, Bromford (8,822), all inner-city wards. The majority of Sikhs were found to live in the west and south east of the city. The ward with

...were found to live in the west and south east of the city. The ward with the highest proportion of Buddhists was [Edgbaston](#) at 1.4% (257).

There is insufficient data available to measure accurately the potential impact of the proposal on religion or belief. However, one of the aims of selective licensing is to tackle antisocial behaviour, including hate crime and incidents and this is likely to have a positive impact on this characteristic.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Service Users / Stakeholders; Wider Community

According figures published in 2017 by the Office for National Statistics (ONS) an estimated 50,000 adults in the West Midlands region were gay or lesbian, while a further 50,000 were bisexual.

One of the aims of Selective licensing is to tackle antisocial behaviour, hate crime and homophobic incidents and this aim is likely to have a positive impact on this protected characteristic.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Socio-economic impacts

Homelessness

One of the causes of homelessness in Birmingham is significant disrepair in the private rented accommodation.

The proposal to introduce selective licensing is intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) and the Housing Act 2004, which will have a positive impact on homelessness as tenants can continue to occupy the properties.

Other Socio Economic Impacts

Issues raised within the consultation included:

- A view that landlords might move their property portfolio elsewhere. This is thought to be highly unlikely as the proposed licence conditions consolidate what a landlord should already be doing regardless of whether there is selective licensing or not. Good, compliant landlords should not need to spend significant sums of money in order to meet the proposed licence conditions.

The cost to ensure that a property meets the legal minimum standard is one which a landlord has to bear regardless of any licensing scheme.

- Another issue raised was in regard to the need under the scheme to provide references. This a mandatory condition.

Obtaining a reference for prospective tenants allows landlords and letting agents to make sure the tenant they are considering letting their property to has the right credentials e.g. the ability to pay rent and that they will look after their property. The process should help ensure they have good tenants which will not only benefit them but also the neighbourhood.

A 2019 House of Commons Briefing Paper - Selective licensing of private rented housing in England and Wales

(<https://researchbriefings.files.parliament.uk/documents/SN04634/SN04634.pdf>)

- identifies that tenant referencing has had a

positive impact in three selective licensing schemes operated by local authorities.

It is not unusual for landlords to ask for references and so prospective tenants need to be prepared for this.

Options do exist as not all references need to have come from the landlord from a past tenancy, some tenants will be letting for the first time.

If the proposed scheme is introduced, the Council will provide support, guidance and template references to assist landlords with this stage of a tenancy.

- The view that the SLS fee would be passed on to tenants

The 2019 report commissioned by the Government "An Independent Review of the Use and Effectiveness of Selective Licensing" found no evidence to support the claim that licensing has had a demonstrable effect on rent levels.

The actual cost over five years based on the proposed licence fee is quite small.

The Council provides support for any tenants in difficulties.

Deprivation

Deprivation in Birmingham is a key consideration in considering Selective Licensing and Birmingham has some of the most deprived areas.

Selective Licensing will contribute to alleviating fuel poverty as measures to improve standards will ensure that heating appliances are properly checked, maintained and working efficiently. Improvements in the housing standards should also make properties more secure which should assist with minimising crime, especially in relation to burglary. Secure, safe housing provides stable accommodation that supports tenant's life chances.

Please indicate any actions arising from completing this screening exercise.	None
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	Please see stated data sources above.

Consultation analysis	<p>Full information relating to the consultation and BCC's analysis and response to it is found in the proposed 1 March 2022 Cabinet report on Selective Licensing.</p> <p>Changes made as a result of consultation</p> <ul style="list-style-type: none"> • Following feedback from the consultation: the proposed fee for a variation of a licence has been removed. The cost for variations will now be subsumed within the overall licence fee. • The Council will consider if possible support or signposting for arbitration between landlord and tenant disputes can be delivered. • The Council will investigate providing online annual updates on the delivery of outcomes for the selective licensing scheme.
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Adverse impact on any people with protected characteristics.	No negative impacts have been identified.
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	N/A
How will the effect(s) of this policy/proposal on equality be monitored?	Equality Assessment to be completed after a year of implementation.
What data is required in the future?	<p>Number of licences issued and compliance.</p> <p>Number of landlords operating without a licence where enforcement is required to bring them into compliance</p>
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	
Initial equality impact assessment of your proposal	No negative impacts have been identified.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

No negative impacts have been identified.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

No negative impacts to protected characteristics identified. This has been passed to the Accountable Officer for final approval.

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

No

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

01/02/2022

Reasons for approval or rejection

The Assessment covers Protected Characteristics and also the possible impact on socio-economic issues/impacts too which is good not always part of assessment. The assessment feels balanced and no obvious omissions to me as Accountable Officer.

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 20.0

Created at 01/02/2022 10:57 AM by Sajeela Naseer

Last modified at 01/02/2022 12:10 PM by Workflow on behalf of Mark Croxford

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