FAIRER HOUSING

City of Westminster

LICENSING PRIVATE RENTED PROPERTIES in WESTMINSTER



Appendix 4:

Equality impact needs assessments

WCC Equality Impact Assessment (EqIA)

EqIAs evidence that you have considered the impact or potential impact on groups in our community who share protected characteristics. These are characteristics that are protected against discrimination by the Equality Act 2010. We are required by law under the Public Sector Equality duty (PSED) which is contained in Section 149 of the Equality Act and requires public authorities to have due regard to several equality considerations when exercising their functions.

Completing an EQIA 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. EQIAs should be carried out at the earliest stages of policy or project development or a service review, and then updated as the policy or review develops. EQIAs must be undertaken when it is possible for the findings to inform the final decision.

When do I need to complete an EqIA? You need to complete an EqIA when:

- Planning or developing new services including business services, policies, strategies, practices and plans
- Reviewing, amending or substantially changing existing services, policies, strategies, practices and plans
- Considering a change management process or organisational review, particularly those that could involve relocating staff or rationalisation of posts
- Reviewing or introducing forms, leaflets, guidance, codes of practice such as changes to how residents access services
- When considering and developing a tender document for procurement of services

Who should complete an EqIA?
The person completing the EqIA should have detailed knowledge of the proposal or project. They should be able to identify the impact on those with protected characteristics be they residents, workforce, visitors or others. They should also have knowledge or access to any consultations and where relevant, have knowledge of the area of the Borough that is impacted. The ownership and responsibility for an EqIA lies at Head of Service level and above, however, managers and staff play a key role in the assessment process as they will be involved in implementing the necessary actions identified and integrating equalities into planning. As a rule, any work that needs a decision e.g. Lead Member decision or Leadership Team should be signed off by the Executive Director. Anything that is not going through a formal decision-making process can be signed off by Head of service.

At what point do I need to complete an EqIA?
You need to complete an EqIA at the very beginning when considering your proposal and therefore before a decision is taken.

Please note an EqIA is a live document which means it must be regularly reviewed and updated considering new evidence or information.

It is important to consider equalities issues at every stage of the process. You may not have all the data you need at the beginning, or you may not have finalised what your project will look like. However, an EqIA is there to help guide your thinking on how your work might affect different groups in our community and support your planning and consultation work.

Where can I get support to complete an EqIA?

There are resources available on the SharePoint site, including example EqIAs. You can also get support from the EqIA Champion in your Team/Directorate, see the SharePoint site for details. You can email any queries to the EqIA inbox equalities@westminster.gov.uk. Finally further support is available for strategic and crosscutting EqIAs from Andre Johnsen – Community Equalities Manager (ajohnsen@westminster.gov.uk). If your EqIA focuses on workforce changes or development, then contact Jennifer Samuels (jsamuels2@westminster.gov.uk).

SECTION 1: Programme details

Name of the policy, project, service, or strategy being assessed, and a brief overview of its aims and objectives	Selective Property Licensing in the Private Rented Sector Pre consultation stage
Name of person completing this EqIA	**Geraint Maddocks**
Name of Director	**Mark Wiltshire**
Team	**Private Sector Housing**
Directorate	**Public Protection & Licensing**
Contact Email	**Gmaddocks@wesminster.gov.uk**
Where is this EqIA stored. (This is to ensure colleagues can pick this up in your absence.)	Selective Licensing project site
Is this EqIA accompanying a report that is going through a formal decision process? If so which meeting, is it going to for decision?	Formal ED TBC –pre consultation stage. Accompanying pre consultation policy and scrutiny committee report on 26 September 2024.

SECTION 2: EqIA Screening – Do you need to complete a full EqIA?

Please complete the checklist below, including impact to help determine if a full EqIA is necessary.
Please see table in Section 3 for a breakdown of the protected characteristics

Question	**Answer** (Yes, No, Unclear)	**Impact** (Positive, Negative or Neutral)
Does your programme have the potential to disproportionally affect men, women or those who identify as non-binary?	**No**	**Neutral**
Does your programme have the potential to disproportionally affect people of a particular race or ethnicity? This includes refugees, asylum seekers, migrants and gypsies and travellers.	**Yes**	**Positive**
Does your programme have the potential to disproportionally affect people with a disability? Consider physical and learning disabilities and mental health conditions.	**No**	**Neutral**
Does your programme have the potential to disproportionally affect people of certain sexual orientations?	**No**	**Neutral**
Does your programme have the potential to disproportionally affect people of different age groups? Consider children and elderly populations.	**Yes**	**Positive**
Does your programme have the potential to disproportionally affect those undergoing or intending to undergo the process of gender reassignment?	**No**	**Neutral**
Does your programme have the potential to disproportionally affect those due to pregnancy or maternity? The Equality Act protects women or birthing people from discrimination from when you become pregnant until your right to maternity leave ends and you return to work. If you do not have the right to maternity leave this is 2 weeks after the child is born.	**No**	**Neutral**
Does your programme have the potential to disproportionally affect people of different faiths and beliefs?	**No**	**Neutral**
Does your programme have the potential to disproportionally affect people on low incomes or living in poverty?	**Yes**	**Positive**
Does your programme have the potential to disproportionally affect people living in the most deprived areas of WCC? There is further detail in Section 3 below in the socioeconomic and geographical box.	**Yes**	**Positive**

If you have assessed the impact to any of the above questions to be Negative or Unclear, then you will need to complete Sections 3, 4.

If you have assessed the impact as Positive, explain the rational for this below and then go to Section 5.

This EqIA has been carried out to provide support for a 12-week consultation, commencing October 2024 on proposals to introduce selective property licensing in Westminster under Part 3 the Housing Act 2004. The assessment has analysed findings of the 2021 Census data, English Housing Survey data and Westminster Housing Stock Condition Survey to provide granularity on the composition of the Private Rented Sector in Westminster in terms of equality and diversity. It is expected that the proposals will help to create a fairer private rented sector in Westminster and will require landlords to apply for a licence in 15 of 18 wards.

Selective licensing covers privately rented property that are not already licenced under mandatory and additional HMO licensing schemes.

A detailed options appraisal study was undertaken which highlighted:

- All wards in Westminster have above the national percentage PRS and are eligible to be considered for selective licensing
- 15 of 18 wards in Westminster meet the criteria for poor housing conditions
- 7 wards are suffering from significant and persistent ASB, meeting the ASB criteria
- The making of the designation is strategically aligned to key policies and is part of a consistent and coordinated approach taken by WCC to tackle housing issues

The council recognises that although most landlords are responsible, there is a minority of rogue landlord who are found to not comply with relevant legal provisions, for example, renting properties with safety issues and overcrowding. Subject to consultation, the introduction of discretionary licensing would enable the council to continue to improve living standards in the private rented sector by both supporting responsible landlords further through the setting of clear standards and providing enhanced support, whilst simultaneously targeting rogue landlords who may be exploiting tenants by providing substandard accommodation, thus helping to create a more level playing field for all rental providers and tenants

There is limited information concerning the characteristic of landlords in Westminster, with a high proportion of properties owned by corporate entities.

SECTION 3: Assessing the Impact

Please use this section to assess the impact of the programme on those with protected characteristics. Please answer the following questions in your assessment for each characteristic.

1. **How many people currently use the service? Or who and how many people will be affected by the policy or strategy?** We have provided data from the latest census on the population of RBKC for each protected characteristic. Additional Census data can also be accessed from the RBKC Census Dashboard. Please add data about your service users/populations in the relevant boxes.
2. **What consultation have you completed to gather feedback from service users? Or what other relevant data have you gathered to support your work?** Include the findings in each relevant group. For more information on consultation please refer to the 12 principles of good governance and consultation in the Constitution. You can also speak with the Consultations Team for further advice.
3. **How will you ensure that the policy, project, service, or strategy will be accessible to all groups? and how will you address or break down any barriers to achieving this.** Explain if your proposal takes steps to meet the needs of people from protected groups, where these are different from the needs of other people; and encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low?
4. **How is this group impacted and determine whether the proposed activity will have a positive, neutral or negative impact.**

5. **If the impact is negative, what mitigations will you put in place to reduce the impact?**
6. **If the impact is positive, what actions have you taken to achieve a positive impact?**

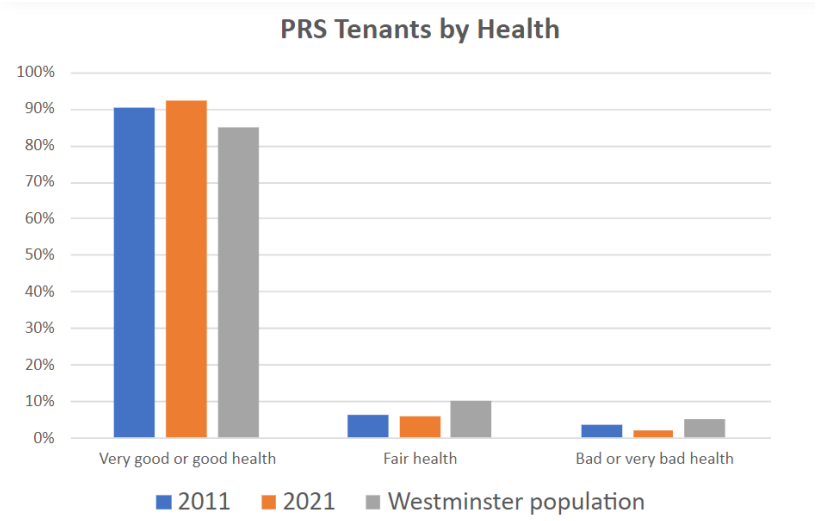
<table>
<tr><th>Protected characteristic</th><th>Analysis</th><th>Impact (Positive, Negative or Neutral)</th></tr>
<tr><td>Age</td><td>2021 census: 75% of Westminster is working age (+6 over the London average). Our last census data saw a change in under 5 year olds by -30% but an increase in 11 – 16 year olds by and 20 – 24 year olds by 5% and 11% respectively. Relative to the rest of London, Westminster has 6% more young people (16 – 34 years). The age breakdown of our population is:
<table>
<tr><td>Westminster</td><td></td></tr>
<tr><td>0 – 4 years</td><td>4%</td></tr>
<tr><td>5 - 9</td><td>4%</td></tr>
<tr><td>10 - 15</td><td>5%</td></tr>
<tr><td>16 – 24 years</td><td>13.9%</td></tr>
<tr><td>25 – 34 years</td><td>21.6%</td></tr>
<tr><td>35 – 64 years</td><td>37.4%</td></tr>
<tr><td>65+ years</td><td>12%</td></tr>
</table>

The ONS Census 2021 population age profile estimates for Westminster show that 12.1% of residents are aged 65 or older; this is compared to 18.6% nationally. Within the PRS, there is a larger proportion of the 25-44yrs age group occupying the private rented sector (city survey). The PRS nationally shows a younger demographic with the most common age group within the private rented sector was those 25 to 34.
Evidence from the English housing survey 2021 suggest that whilst there is less representation in older age groups. It is more likely that the length of tenancy increases with age, resulting in greater exposure to any housing hazards.

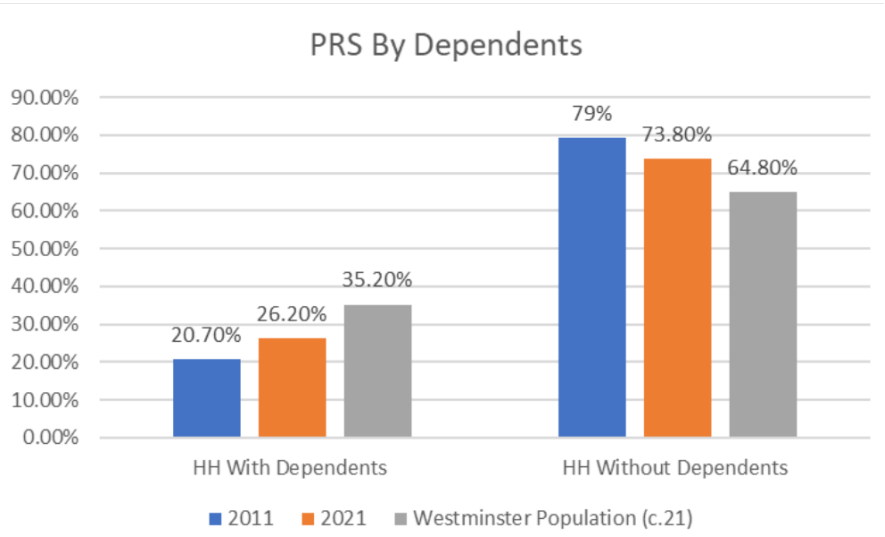
2. Consultation outcomes for this group:
Pre consultation stage

3. Accessibility and Inclusion:
(consultation) Targeting of all PSH tenants across a range of channels though detailed comms plan.

4. Analysis of impact:
Improving the standard of living accommodation will likely have a positive impact on all age groups. It will also have a positive impact on older people who are often more susceptible to hazards such as excess cold and falls.</td><td>Positive</td></tr>
</table>

	5/6. Mitigations for negative impact/actions taken for positive impact: (consultation) monitoring incoming consultation responses to determine whether mitigating actions are required. The average age on landlords in the UK is 40+ at 71%. There is no specific date for Westminster. It is recognised that a significant proportion of landlords in Westminster are limited companies, or other corporate identities.	
Disability	2021 census: 18% of residents in the borough said they had a long-term condition or disability that limited their life in some way. With the highest proportions in Church Street (21%), Westbourne (19%), and Queen's Park (18%), these rates are three times higher than our most affluent wards. It is important to bear in mind these same wards are the most likely to have unpaid carers (8-10% of residents). These same wards have a life expectancy of 76 years, 18 years less than the most affluent wards. 1.Data on service users/those affected: Overall there is a lower proportion of residents reporting poor in the Private Rented Sector compared to the Westminster average.  2. Consultation outcomes for this group:	Positive

	(consultation) Targeting of all PSH tenants across a range of channels though detailed comms plan. 3. Accessibility and Inclusion: 4. Analysis of impact: Selective licensing is unable to take into consideration a tenant's disability or needs associated with their disability when applying standards. The effect of licensing overall however would be positive for households with disabled occupants in improving overall housing conditions. It is also expected that positive impacts will be realised by our officers adopting a whole person approach, with the ability to identify any concerns and make referrals to partners. Particularly for our more isolated private renters, selective licensing will provide points of contact with landlords and the council for advice and support. 5/6. Mitigations for negative impact/actions taken for positive impact: (consultation) monitoring incoming consultation responses to determine whether mitigating actions are required.	
Gender reassignment	Gender identity refers to a person's sense of their own gender, whether male, female or another category such as non-binary. In Westminster 0.75% (1,329) of people do not identify with the same sex as their registered birth. This is lower than the London figure of 0.91% but higher than the England figure of 0.55%. In Westminster this was 9% which should be kept in mind when considering these results because the trans population may actually be higher than reported For the first time, the 2021 Census included questions relating to sexual orientation and also whether a person in transgender. However, the transgender question appears have been poorly understood. With a very high number of people whose first language is not English reporting that they were transgender 2. Consultation outcomes for this group: Pre consultation stage	Neutral

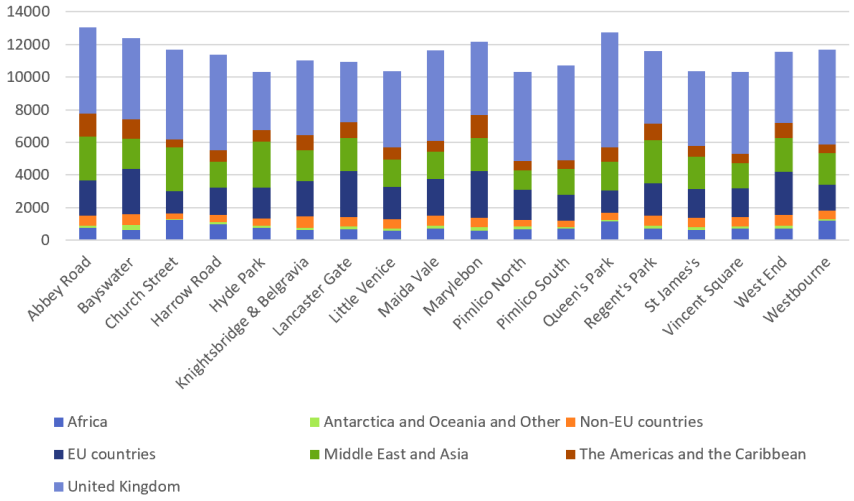
	3. Accessibility and Inclusion: (consultation) Targeting of all PSH tenants across a range of channels. 4. Analysis of impact: There is likely to be no disproportional impact. 5/6. Mitigations for negative impact/actions taken for positive impact: (consultation) monitoring incoming consultation responses to determine whether mitigating actions are required. There is no data or expectation that there will be any positive or negative impact on landlords.	
Marriage and Civil Partnership	54.4% of Westminster Adults have never been married, a 3% increase since the last census, despite this figure now including same-sex marriages. 1.Data on service users/those affected: There are more single occupants within the private rented sector completed to the Westminster average, perhaps representative of the younger demographic. It is also notable that there are likely that private renters are less likely to have dependants however this is a trend that has decreased over the last decade.  2. Consultation outcomes for this group: Pre consultation stage 3. Accessibility and Inclusion: (consultation) Targeting of all PSH tenants across a range of channels.	Neutral

	4. Analysis of impact: There not likely to be a disproportionate affect on this group. Improving private rented housing conditions is likely to have a positive impact on all tenants, including those with dependants. 5/6. Mitigations for negative impact/actions taken for positive impact: (consultation) monitoring incoming consultation responses to determine whether mitigating actions are required. We have no data as to the martial status of landlord or agents in Westminster.	
Pregnancy and maternity	General trends in census data show less births on average in Westminster over the past decade. 1.Data on service users/those affected: There is limited data to analyse to show any 2. Consultation outcomes for this group: Pre consultation stage 3. Accessibility and Inclusion: (consultation) Targeting of all PSH tenants across a range of channels. 4. Analysis of impact: 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. Pregnancy can increase susceptibility to certain housing related issues and a licensing scheme will ensure that any issues that arise are addressed promptly. 5/6. Mitigations for negative impact/actions taken for positive impact: (consultation) monitoring incoming consultation responses to determine whether mitigating actions are required.	Positive
Race	In 2021, 28% of the population were 'White: British', and 25% was 'White: European or Other'. The next largest ethnic groups identified as 'Indian and Bangladeshi' (17%), 'Arab' (8%), and 'Black' (8%) and 7% of residents identifying with more than one ethnicity. When considering ethnicity and data it is important to note there can be major disparities within census groupings. For instance,	Positive

Indian and Bangladeshi communities have great variance between them in outcomes but often are considered as one grouping in data.

When considering ethnicity it is important to consider that 20% of Westminster households do not have an adult or child who uses English as their primary language. Besides English the most spoken languages are Arabic, French, Spanish, Italian and Portuguese.

1.Data on service users/those affected:



The White and Asian populations are the most likely to be found in owner occupation, with a low share in affordable rented housing. The Black population is much more likely to be in affordable rented housing rent, while the Mixed and Other Ethnic Groups are disproportionately in private rent.

2. Consultation outcomes for this group:
(Currently pre consultation)

3. Accessibility and Inclusion:
(consultation) Targeting of all PSH tenants across a range of channels.

4. Analysis of impact:
Mixed and Other Ethnic Groups and therefore likely to be positively impacted by improvement standards and managements in Private Sector Housing.

5/6. Mitigations for negative impact/actions taken for positive impact:
(consultation) monitoring incoming consultation responses to determine whether mitigating actions are required.

Religion/belief	Westminster is generally more Religious (73%) compared to London (63%) and England (53%). The most common religions are Christianity (37%) and Islam (20%). 1.Data on service users/those affected: All private renters across affected wards. A significantly higher number of private renters compared to owner occupiers and affordable renters have no religion (53.5%). 2. Consultation outcomes for this group: Currently Pre consultation 3. Accessibility and Inclusion: Consultation phase – targeted comms plan. 4. Analysis of impact: Statistically there is not likely to be any significant impact on a particular race. Overcrowding is much higher for Muslim households and much lower for Hindus and those with no religion. There is likely to be a positive impact where overcrowding concerns can be addressed via selective licensing. 5/6. Mitigations for negative impact/actions taken for positive impact: Currently pre consultation - monitoring incoming consultation responses to determine whether mitigating actions are required.	Positive
Sex	1.Data on service users/those affected: All private renters across affected wards / non statistically significant impact relating to PSH. 2. Consultation outcomes for this group: Pre consultation phase 3. Accessibility and Inclusion: Consultation phase – targeted comms plan 4. Analysis of impact: No disproportionate impact expected 5/6. Mitigations for negative impact/actions taken for positive impact: (consultation phase – adjustable comms plan)	Positive

Sexual Orientation

2021 census information on sexual orientation is only captured for people aged 16 and above. Approximately 5% of Westminster residents identify as LGBT+, slightly higher than the London average, and almost double the national average with the West End and Soho having the highest proportion (11%). It is important to note 9% of residents do not respond to this question, thus, numbers are under-reported.

Households headed by someone who is gay, lesbian or bisexual are less likely to be overcrowded.

1.Data on service users/those affected:

Figure 59: Percentage of Persons by Sexual orientation and Tenure 2021 (Source: UK Census of Population)

	Tenure			
	Owner occupied	Private rent	Affordable Rented Housing	Total
Heterosexual	27.4%	41.6%	31.0%	100%
Gay or Lesbian	34.2%	49.2%	16.6%	100%
Bisexual	20.6%	60.2%	19.2%	100%
Any other sexual orientation	18.2%	53.6%	28.2%	100%
No answer	26.2%	45.2%	28.6%	100%
TOTAL	27.4%	42.6%	30.1%	100%

Figure 60: Percentage of Persons by Sexual orientation and Overcrowding 2021 (Source: UK Census of Population)

		Overcrowding				
	Under-occupied by 2+ bed rooms	Under-occupied by 1 bedroom	Correct number of rooms	Overcrowded by 1 bedroom	Overcrowded by 2+ bedrooms	Total
Heterosexual	12.1%	24.3%	45.7%	12.1%	5.7%	100%
Gay or Lesbian	10.7%	29.1%	52.4%	5.6%	2.2%	100%
Bisexual	7.9%	23.2%	54.5%	11.2%	3.2%	100%
Any other sexual orientation	12.9%	21.0%	51.0%	12.2%	2.8%	100%
No answer	10.6%	21.8%	47.5%	13.7%	6.4%	100%
TOTAL	11.9%	24.2%	46.3%	12.1%	5.6%	100%

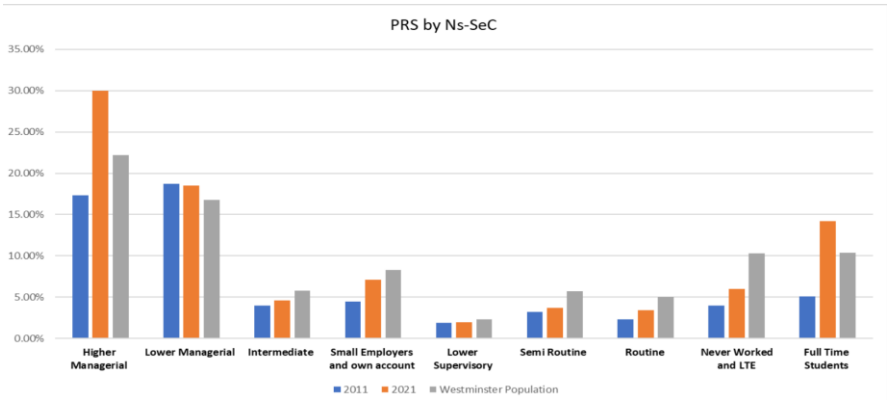
2. Consultation outcomes for this group:
Pre consultation stage

3. Accessibility and Inclusion:
Consultation phase – targeted comms plan

5/6. Mitigations for negative impact/actions taken for positive impact:
(consultation phase – adjustable comms plan)

Socio-economic and Geographical

Westminster has the highest economic disparity in the country The unemployment rate is 4%, same as the London figure, but higher than that of England at 2.9%. The LSOA with the highest unemployment rate is in the Westbourne ward, in this LSOA the

	unemployment rate is 10%, more than twice the Westminster average. Church Street is the London ward with the highest amount of deprivation (73.4%, meanwhile Knightsbridge & Belgravia has the lowest (28.9%). Additionally, in Westminster's most deprived wards, over 50% of children live below the UK poverty line. We know the economic capacity is the greatest determinant of health, thus a critical component to addressing inequality in the borough.  Westminster PRS has a high representation of higher managerial tenants as well as students. There is a marked difference compared to the last census in 2011. This is something for consideration as the project progresses. PSH housing tenants are less likely to be in receipt of housing benefits. Private Renters on low income are likely to be positively impacted where poor energy efficiency and energy costs are impacting disposable income through improvements in housing standards. The impact of the licence fee on both landlords and tenants is likely to be minimal as a licence lasts 5 years. Any perceived negative impact is likely to be outweighed by improvements to housing and management standards.	
Care Leavers	Westminster City Council currently has 177 Looked After Children and 348 care leavers who are aged between 18-25 years.	

	There is likely to be a positive impact on the looked after children as care leavers in Private Rented Accommodation. Particularly those under 5 who are more susceptible to housing hazards.	
Other Groups	The only military base in Westminster is Hyde Park Barracks which means that Armed Forces personnel represent a minimal impact on the housing market of the area. This would be exempt from licensing requirements. There is unlikely to be a disproportionate impact on any other group.	

SECTION 4: Action Plan

Have you identified the need to reduce or remove any negative impacts, conduct work with those from protected groups to participate where their participation is disproportionately low, or fill any data gaps? If so, complete the Action Plan below to show the work that is planned.

Issue identified	**Planned Action**	**Lead Officer and Timeframe**
NA	NA	NA

SECTION 5: Sign-off

Director/ Head of Service Name	**Mark Wiltshire**
Contact Email	**Mwiltshire@westminser.gov.uk**
Date of sign off	**16.9.24**
Review **It is important to consider equalities issues at every stage of the process. Remember an EqIA is a live document which means it must be regularly reviewed and updated considering new evidence or information, for example, have you now completed your consultation or has there been news on funding. Please ask your Director or Head of Service to sign-off at every review stage. You can have as many reviews as are appropriate for your work.**	
Date of 1st Review	
Name of Reviewer	

Director signature	
Date of 2nd Review	
Name of Reviewer	
Director signature	
Date of 3rd Review	
Name of Reviewer	
Director signature	