

EQUALITY IMPACT ASSESSMENT - RESULTS

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| Title of Policy | Landlord Registration: Statutory Guidance for Local Authorities |
| Summary of aims and desired outcomes of Policy | The aim of the new guidance is to help local authorities use the range of powers available to them to tackle the behaviour of landlords who operate outside the law. The desired outcome is that standards in the Private Rented Sector (PRS) will improve. |
| Directorate: Division: team | Housing, Regeneration and Social Justice: Better Homes Division: Private Rented Sector Policy |

Executive summary

The results of this EQIA demonstrate that there are no potentially negative impacts of the proposal for the equality groups within the PRS. This assessment did indicate that some equalities groups are more likely to be living in poor quality accommodation in the private rented sector than others.

Vulnerable tenants in some equalities groups may also experience more difficulties in asserting their rights or may be more reluctant to take action due to the fear of losing their tenancy.

The findings of this EQIA found potential benefits for all equality groups in terms of the overall policy aim of improving standards in the PRS.

Background

The new statutory guidance replaces current non-statutory guidance, which dates from 2009.

Now that local authorities are more experienced in registering private landlords, there is less need for the Scottish Government to be prescriptive about the day to day administration of the regime. The aim of the new guidance is to help local authorities focus on how they can carry out their regulatory functions to achieve strategic outcomes related to improving standards for the benefit of all in the private rented sector, and the wider community.

The guidance highlights the wide range of powers available to local authorities, in addition to landlord registration powers, that can be drawn upon to deal with landlords who operate outside the law. The guidance encourages local authorities to develop better joined up working practices and to share relevant information, in order to make the fit and proper person test more robust. The guidance highlights practical examples of successful local authority enforcement activities that all authorities can learn from.

The revised guidance supports the Minister's commitment to ensure tougher, targeted enforcement against the minority of private landlords who fail to meet their legal obligations with regard to letting houses.

The Scope of the EQIA

The likely effects of the policy were informed by a range of evidence, including public consultation and stakeholder engagement on the content of the Private Rented Housing (Scotland) Bill, the Scottish Government Strategy for the Private Rented Sector in Scotland and the Housing (Scotland) Bill.

Scottish Government officials also examined evidence from a range of studies, reports and surveys, including:

- The Scottish Government's 2009 Review of the Private Rented Sector. This provides a detailed primary evidence base on the sector in Scotland, including information relating to the protected characteristics (vulnerable groups).
- The Trans Mental Health Study 2012. This provides information on tenant representation and housing experiences in the PRS.
- The Scottish Government's 2013 Evidence Review of the Private Rented Sector Tenancy Framework in Scotland. This provides an overview of some of the key issues relating to the PRS in Scotland.
- Homeless Action 2013 and Youth Homelessness in Scotland 2013 Surveys. These surveys provide information on housing experiences of tenants in the PRS.
- Results from the 2015 Scottish Household Survey.
- Analysis of Equality Results from the 2011 Census – Part 2. This data provides further information regarding the profile of tenants across equality groups within the PRS.

Key Findings

Examination of available evidence during the EQIA process highlighted a number of key findings.

The 2009 review found that there were a higher proportion of young people in the PRS. Almost 80% of licenced Houses in Multiple Occupation were occupied by students, who were more willing to live in poor conditions, to save money and live in their location of choice.

Older tenants were less likely to want to move, and were more likely to have stayed in their homes for a longer period. Research undertaken in 2014 as part of the tenancy review showed that longer term tenants tended to experience more

major problems with property condition and getting repairs done.

Tenants with a disability or long term illness, relative to other groups in the PRS, are more likely to be dissatisfied with their home. Although a tenant has a right to proportionate modifications to their home, consultation analysis highlighted a common view that the potential for a tenancy to be ended made some tenants reluctant to press landlords for property repairs or adaptations.

Ethnic minorities are more likely to be living in private rented accommodation. Migrant workers are more likely to be living in overcrowded, unsafe and sub-standard private rented housing.

A small proportion of individuals who identified as Church of Scotland and Roman Catholic rented privately or lived rent free (7% and 13% respectively). This compared to 54% of Hindus, 30% Buddhist, 28% Muslim, 20% Jewish and 17% Sikh. Almost 90% of Hindus who rented their home did so through a private landlord.

The Scottish Household Survey 2015 found that only 58% of PRS households recorded their ethnicity as white Scottish.

Whilst evidence suggests that about 5% of private rented properties are owned by landlords from non-white ethnic groups, data on the composition and characteristics of landlords within the PRS in Scotland is not as extensive as the data routinely collected on tenants. Despite a lack of statistical information, we have used the EQIA to consider how the proposals impact on landlords with protected characteristics within the PRS and do not consider there to be any negative consequences.

The Scottish Government has found that the policy is not discriminatory and has found no significant issues that will impact negatively on any of the various equality groups.

The policy is intended to lead to improvements in both property condition and property management for all tenants in the PRS in Scotland. There may be more positive impacts for people in some equality groups or for vulnerable tenants who may not be willing or able to take action against their landlord, for example, due to fear of harassment or discrimination, lack of awareness of tenant and landlord rights and responsibilities, disability or where language may be a barrier to effective communication. However, the aim is for all tenants to be reassured that local authorities will ensure that all private landlords are fit and proper to let houses, and that where this is in doubt, appropriate measures will be taken.

Recommendations and Conclusion

The EQIA process did not highlight the need for any major changes to the policy. As no equality issues were identified, there will be no formal monitoring of the policy on equality grounds at Scottish Government level. We would expect that any equality issues arising from the policy to be notified to the Scottish Government as part of our ongoing engagement with local authorities, tenants, landlords and their representatives.