

EQUALITY IMPACT ASSESSMENT - RESULTS

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| <p>Title of Policy</p> | <p>Landlord Registration: The Private Landlord Registration (Information) (Scotland) Regulations 2019; and The Private Landlord Registration (Fees) (Scotland) Regulations 2019</p> |
| <p>Summary of aims and desired outcomes of Policy</p> | <p>Key aims of the policy are to:</p> <ul style="list-style-type: none"> • raise awareness about landlord responsibilities; • require landlords to confirm compliance with legal duties; • provide local authorities with better information to support their enforcement activity; • ensure that fees are reasonable and proportionate to the costs of delivering landlord registration services; and • improve wider public confidence that anyone who is approved and entered onto the register is a suitable person to let houses. <p>The overarching objective is to make better use of the landlord registration process to contribute towards improved standards of property condition and management in the Private Rented Sector (PRS).</p> |
| <p>Directorate: Division: team</p> | <p>Housing, Regeneration and Social Justice: Better Homes Division: Private Rented Sector Policy</p> |

Executive summary

The findings of this EQIA have not identified any potentially negative impacts of the policy for the equality groups within the PRS.

The assessment has indicated that some equalities groups are more likely to be living in poor quality accommodation in the PRS 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. It also suggests that some groups are more likely than others to report having experienced discrimination or harassment in the last three years in Scotland.

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

Background

Landlord Registration was introduced by the Antisocial Behaviour etc. (Scotland) Act 2004 and was implemented in April 2006.

The legislation requires each local authority to prepare and maintain a register of private landlords. Private landlords must apply for registration by providing specified information and by paying an application fee. Local authorities have the power to decide who can legally operate as a landlord and the ability to refuse an application for registration if they are not satisfied that the landlord is a fit and proper person.

Although many landlords do let their homes responsibly, evidence indicates that some landlords let houses without meeting their legal responsibilities. This is true of both registered and unregistered landlords. Property condition is one of the main areas in which landlords may fail to meet requirements, and about which tenants have most complaints.

The policy seeks specific additional information at the point of application for registration. The main aim of this aspect of the policy is to raise landlord awareness about their legal responsibilities and to require applicants to declare whether or not they comply with their legal duties. The information will be used by local authorities to help them decide whether an applicant is a fit and proper person to let houses.

The policy also implements an increase in the application fees. The main fee amounts have not changed since 2006 and the revised fees will better reflect the administrative costs of landlord registration. The revised fees take account of extra work that is expected to arise as landlord enquiries about their legal duties increase and local authorities undertake checks on declarations of compliance.

The overall aim of the policy is to improve standards in the PRS. This will help to reduce inequality between tenants who have good landlords and those whose landlord is providing a sub-standard service and poor quality accommodation. The policy will also help to reduce the disadvantage faced by legitimate landlord businesses that are undercut by landlords who operate outside the law.

The policy covered by this EQIA will contribute to the National Outcomes:

- “We live in communities that are inclusive, empowered, resilient and safe”; and
- “We tackle poverty by sharing opportunities, wealth and power more equally ”

The policy also contributes to the Scottish Government’s vision that all people in Scotland live in high quality, sustainable homes that they can afford and that meet their needs.

The Scope of the EQIA

The likely effects of the policy are informed by a range of evidence, including public consultation and stakeholder engagement on the content of the Private Rented Housing (Scotland) Bill 2010, the Scottish Government Strategy for the Private Rented Sector in Scotland, the Housing (Scotland) Bill 2013 and the consultation on proposed changes to landlord registration fees and prescribed information. Scottish Government officials have 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 2017 Scottish Household Survey.

Key Findings

Examination of available evidence during the EQIA process has 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.

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 the policy impact on landlords with protected characteristics within the PRS and do not consider there to be any negative consequences. For example, the requirement to comply with duties to provide homes that meet minimum safety standards applies to all private landlords, including those that are outwith the recognised equality groups.

The Scottish Household Survey 2017 found that only 58% of PRS households recorded their ethnicity as white Scottish, which is much lower than other tenures. The survey also found that 6% of those who identified as white experienced both discrimination and harassment, compared to 19% and 11% of those identified as an other ethnic minority. Around a third (31%) of respondents who had been discriminated against believed the reason behind this was their ethnic origin. Aside from 'other' reasons, the next most common motivating factors were said to be the respondent's age, gender or disability.

The survey also showed that 19% of those aged 16-24 and 11% of those aged 60-75+ live in the PRS. The proportion of households aged 16 – 24 living in the PRS has increased from 30% in 1999 to 60% in 2017, equivalent to an increase of 40,000 households.

In 2017, there were an estimated 150,000 children living in the PRS, with nearly a quarter (24%) of all PRS households being households with children.

The policy is intended to lead to improvements in both property condition and management for all tenants in the PRS in Scotland. However, there may be more positive impacts for people in some equality groups, for example vulnerable tenants who may not be willing or able to take action against their landlord, or where disability or language may be a barrier to effective communication.

Recommendations and Conclusion

The EQIA has found potential benefits for all equality groups in terms of the overall policy aim of improving standards in the PRS. The Scottish Government has found that the policy is not discriminatory and has found

no significant issues that will have a negative impact on any of the equality groups. The EQIA process has not highlighted the need for any major changes to the policy.

A separate Children's Rights and Wellbeing Impact Assessment has been undertaken to consider the impact of the policy on children and young people. The assessment concluded that the proposals comply with the United Nations Convention on the Rights of the Child (UNCRC) requirements and have the potential to advance the realisation of the rights and wellbeing of children and young people in Scotland.

Fairer Scotland Duty

The duty applies to 'decisions of a strategic nature' that are the key, high-level choices or plans that the Scottish Government makes and normally applies to new strategies, action plans, strategic delivery decisions about setting priorities and/or allocating resources, major new policy proposals, and preparing new legislation.

The Private Landlord Registration (Information) (Scotland) Regulations 2019 will require landlords to expand on the current declaration about their compliance with existing legal duties. The regulations do not place any other new duties on landlords, or introduce any new offences or appeal rights.

The Private Landlord Registration (Fees) (Scotland) Regulations 2019 does not introduce any new fees. The new fee amounts introduced by the regulations take account of the current costs of administration (fees have not changed since 2006) and remain consistent with the existing fee framework.

In conclusion, the regulations do not relate to major new policies or strategies, and as such a Fairer Scotland Duty has not been undertaken.