

## **Equality Analysis Report**

<b>Title of activity / Budget Proposal title and number</b>  Adoption of the draft Tenancy Strategy 2019-2024	<b>Committee meeting (decision maker) and date</b> Housing Committee 20 <sup>th</sup> February 2019 and Executive 5 <sup>th</sup> March 2019
<b>Service area</b> Environment, Planning and Housing	<b>Lead officer</b> Gill Cowie, Manager Planning & Housing Strategy
<b>Approved by</b>  Jon Shortland, Chief Officer for Planning and Highways	<b>Date of approval</b>  21.12.18
<b>Description of activity:</b>  <p>The draft Tenancy Strategy for Bedford Borough Council is for the period 2019-24. When finalised it will replace the Tenancy Strategy 2014-2017. The most significant change from the Tenancy Strategy 2014 - 2017 is the introduction of advice to use fixed term tenancies for three bedroomed houses, in addition to those of four bedrooms and above.</p> <p>Public Consultation on the draft strategy was completed during early autumn 2018. Responses were noted and appropriate changes to the strategy were made. This Equality Analysis has been completed post public consultation.</p> <p>The Localism Act 2011 introduced a duty for all local authorities to produce a Tenancy Strategy. This includes local authorities, like Bedford Borough Council, that are not social housing providers themselves. The Strategy will continue to provide guidance for Registered Providers (RPs) of social housing to take into account when they grant or renew tenancies in Bedford Borough and sets out what Registered Providers of social housing in Bedford Borough should take into account in formulating their own tenancy policies.</p> <p>The Tenancy Strategy seeks to balance the importance of security and the need for sustainable communities against the need to make good use of the housing stock. It relates to the affordable housing sector. The strategy continues to propose that lifetime tenancies should be</p>	

retained except for properties with three bedrooms or more, and for properties with substantial adaptations or designed features for people with disabilities. It also advises that if at the end of the term there are still children under the age of 19 in the household the tenancy should be renewed and where the son, daughter or dependent adult has an education health and care plan under the Special Educational Needs and Disability (SEND) Code of Practice where the tenancy term should not expire before their 25th birthday section 4.16).

The reason for this balance is the general principle that lifetime tenancies give important security to tenants and support sustainable communities. Flexible tenancies should be used where the costs of provision are exceptional or where there is a need to make efficient use of the resource. As Bedford Borough has transferred its housing stock to bpha, in Bedford Borough the guidance is for Housing Associations (Registered Providers) to offer limited use of Assured Shorthold Tenancies, with a minimum period that will normally be at least five years.

The Tenancy Strategy also sets out the steps that Registered Providers and the Council should take to inform and support tenants who are offered fixed term tenancies. The revised strategy incorporates the applicable changes of more recent legislation.

The Tenancy Strategy sits underneath the Housing Strategy Review 2016-2020. It will be reviewed bi-annually on the anniversary of its adoption.

### **Relevance Test**

1. The outcomes of the activity directly and significantly impact on people, e.g. service users, employees, voluntary and community sector groups.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2. The activity could / does affect one or more protected equality groups.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
3. The activity could / does affect protected equality groups differently.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4. One or more protected equality groups could be disadvantaged, adversely affected or are at risk of discrimination as a result of the activity.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
5. The activity relates to an area where there are known inequalities.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
6. The activity sets out proposals for significant changes to services, policies etc. and / or	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

significantly affects how services are delivered.				
7. The activity relates to one or more of the three aims of the Council's equality duty.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
8. The activity relates to the Council's Corporate Plan objectives, is a significant activity and / or presents a high risk to the Council's public reputation.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
9. An equality analysis of this activity is required.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
This activity has no relevance to Bedford Borough Council's duty to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations. An equality analysis is not needed.				<input type="checkbox"/>
<b>Explanation why equality analysis is not needed</b>				
N/A				

### **Scope of equality analysis**

<b>Who is / will be impacted by the activity's aims and outcomes?</b>	<p>The Borough Council and its partners have a key role to play in meeting the housing needs of all the borough's citizens in particular those vulnerable members of the community. The draft Tenancy Strategy focuses on affordable housing and so affects social housing tenants.</p> <p>Accordingly, it may potentially affect all members of the community who are covered by the protected characteristics as defined by the Equality Act 2010. These include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, gender reassignment, sexual orientation, marriage and civil partnership groups as well as those with multiple protected characteristics.</p> <p>The strategy can reduce the security of some tenants.</p> <p>The balance that the Strategy proposes is that lifetime tenancies should be retained except for properties with three bedrooms or more and for properties with substantial adaptations or designed features for people with disabilities. The Strategy will therefore benefit qualifying people with disabilities.</p> <p>The reason for this balance is the general principle that lifetime tenancies give important security</p>
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	<p>to tenants and support sustainable communities to make best use of housing stock and so people in need of affordable housing will benefit.</p> <p>However, some elderly households may be adversely affected because they are more likely to be under occupying their properties so may have to move to a more suitable property when their Assured Shorthold Fixed Term Tenancy ends. This does mean however, that a household who needs a larger property will be able to move there once the previous under occupying household has moved out.</p>
<p><b>Which particular protected equality groups are likely / will be affected?</b></p>	<p>The council's view is that Registered Providers (RPs) should only adopt 5 year Assured Shorthold Fixed Term Tenancies for:</p> <ul style="list-style-type: none"> <li>• 3 bedroom properties and larger; and</li> <li>• Properties with significant adaptations for people with disabilities or designed to be suitable for people with disabilities.</li> </ul> <p>The Tenancy Strategy states that Assured Shorthold Fixed Term Tenancies may be offered either for reasons related to the nature of the dwelling or for reasons related to the circumstances of the household. This could therefore affect tenants with disabilities or households with a disabled person in the family; tenants from ethnic minority backgrounds; households with children and young people; older tenants; single headed families (tend to be headed by women) if they are an individual or household taking a Tenancy with a Registered Provider.</p> <p>This will impact on people with disabilities because it will ensure the best use of adapted properties and will make certain that the tenants residing in those properties require the adaptations. An Assured Shorthold Fixed Term Tenancy on an adapted property will only end where adaptations are no longer required. The strategy states that where households have a son, daughter or dependant adult of up to 25 years where there is a Special Education Needs and Disability (SEND) Education, Health and Care Plan any fixed term tenancy should be renewed.</p> <p>At the end of a fixed term tenancy there may also be an effect on older persons who are under</p>

	<p>occupying their property. However, when downsizing larger properties will be made more available to larger households who require them. This will have a positive effect because people will benefit from a greater availability of affordable housing. However, some elderly households may be adversely affected because they are more likely to be under occupying their properties.</p> <p>Families with school age children may be positively impacted as family housing that is currently under occupied may be released and made available to them.</p>
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### **Evidence, data, information and consultation**

<b>What evidence have you used to analyse the effects on equality?</b>	<p><b><u>General</u></b></p> <ul style="list-style-type: none"> <li>• Population estimates and forecasts June 2015, BBC</li> <li>• Housing Strategy Review 2016-2020, BBC</li> </ul> <p><b><u>Age</u></b></p> <ul style="list-style-type: none"> <li>• Projecting Adult Needs and Service Information (PANSI)</li> <li>• Projecting Older People Population Information System 2017, POPPI</li> <li>• Strategic Housing Market Assessment Update December 2016, ORS</li> </ul> <p><b><u>Disability</u></b></p> <ul style="list-style-type: none"> <li>• Learning Disability Accommodation Strategy 2017-2022, BBC</li> <li>• Projecting Adult Needs and Service Information (PANSI)</li> <li>• Joint Strategic Needs Assessment 2017, BBC</li> <li>• Joint Commissioning Strategy for People with Physical Disabilities and Sensory Impairments 2013 – 2017 BBC/NHS BCCG</li> </ul> <p><b><u>Race</u></b></p> <ul style="list-style-type: none"> <li>• Ethnicity Composition March 2011, BBC</li> <li>• Population estimates and forecasts June 2015, BBC</li> <li>• <a href="https://www.ethnicity-facts-figures.service.gov.uk/housing">https://www.ethnicity-facts-figures.service.gov.uk/housing</a></li> </ul>
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	<p><b><u>Religion or belief</u></b></p> <ul style="list-style-type: none"> <li>• <u>2011 Census Data, ONS</u></li> </ul> <p>Evidence from the above sources are detailed in the '<i>What does this evidence tell you about the different protected groups?</i>' section below.</p>
<p><b>What consultation did you carry out with protected equality groups to identify your activity's effect on equality?</b></p>	<p>A public consultation process on the draft Tenancy Strategy was undertaken in autumn 2018. This consultation offered all sectors of the community the opportunity to comment on how they are affected by the proposed Strategy.</p> <p>A small number of comments were received about the potential impact on equality and protected groups. Two respondents had misunderstood the strategy, perceiving it was advocating 'forcing' disabled residents to move every 5 years. The consultation response was to clarify in the Strategy that this is not the case and that for as long as the resident still requires the facilities or size of property tenancies should be renewed. The Strategy hopes to assist those with disabilities who would otherwise still be waiting for suitably adapted properties where the existing resident no longer has need of the adaptations.</p> <p>One respondent stated that a disability might adversely affect the person's ability to sustain a tenancy due to depression, anxiety or behavioural problems which are a direct result of the disability. The Strategy makes clear that during the tenancy the RP should make referrals to support agencies where required and prior to the end of such a tenancy make tenants aware of how advice agencies might support them during the tenancy review process. The strategy also states that if the tenancy involves a vulnerable person there needs to be a sensitivity to the timing of the review and the impact it may have on the tenant. (4.9)</p> <p>The impact of the Strategy will be assessed in late 2019/20 when the first fixed term tenancies are due for renewal, when careful analysis of the impact on protected groups, in particular age, ethnicity and disability will be undertaken. (4.8)</p>
<p><b>What does this evidence tell you</b></p>	

**about the different protected groups?**

**Age**

- In 2011, there were 12,976 pensioner households in the Borough, of which 7,616 were pensioners living alone. Pensioner households formed 20.3% of all households compared to 20.8% in England and 22.4% in the East of England.
- Bedford Borough's population rose from 148,100 in 2001 to 163,900 in 2014, an increase of 11%. Growth was concentrated in older age groups, including a 45% rise in the number of people aged 85+.
- The Borough's total population is forecast to increase by 7% between 2014 and 2021, but older age groups will increase at a much higher rate with the 65+ population rising by approximately 16%. Most notably, the 85+ population is forecast to increase by around 32%. This will represent a significant ageing of the Borough's population profile, and this trend will continue beyond 2021.
- The English Housing Survey (2011-12) found that the overall rate of under-occupation based on the bedroom standards but only counting those with 2 surplus bedrooms as under-occupying is 37%.

**Disability**

- The PANSI estimates that in 2015 there were 2,414 people aged 18 and over in the Borough who have a Learning Disability. This is expected to increase to 2,615 in 2030. Of the 2414, approximately 500 (20%) are in contact with Adult Services.
- The number of people with a moderate or severe learning disability who are likely to be in receipt of services is estimated to increase from 631 to 710 between 2015 and 2030.
- The JSNA states that 57 children with a learning disability aged 14-18 are expected to move to adult services between 2014-2019.
- By 2030 there are expected to be 841 people aged 64 and over with a learning disability.
- The population of people with learning disabilities aged over 65 is predicted to increase from 589 in 2015 to 841 in 2030.
- The following table shows the number of people in Bedford Borough who have a moderate or serious physical disability.

	2014	2015	2020	2025	2030
People aged 18-24 predicted to	586	590	566	562	627

	have a moderate physical disability						
	People aged 25-34 predicted to have a moderate physical disability	874	878	924	945	907	
	People aged 35-44 predicted to have a moderate physical disability	1,215	1,221	1,249	1,310	1,355	
	People aged 45-54 predicted to have a moderate physical disability	2,260	2,289	2,270	2,192	2,250	
	People aged 55-64 predicted to have a moderate physical disability	2,727	2,742	3,114	3,397	3,382	
	<b>Total population aged 18-64 predicted to have a moderate physical disability</b>	<b>7,662</b>	<b>7,720</b>	<b>8,122</b>	<b>8,406</b>	<b>8,522</b>	
	People aged 18-24 predicted to have a serious physical disability	114	115	110	110	122	
	People aged 25-34 predicted to have a serious physical disability	83	84	88	90	86	
	People aged 35-44 predicted to have a serious physical disability	369	371	379	398	411	
	People aged 45-54 predicted to have a serious physical disability	629	637	632	610	626	
	People aged 55-64 predicted to have a serious physical disability	1,061	1,067	1,212	1,322	1,317	
	<b>Total population aged 18-64 predicted to have a serious physical disability</b>	<b>2,257</b>	<b>2,274</b>	<b>2,422</b>	<b>2,530</b>	<b>2,563</b>	
	<i>SOURCE: PANSI</i>						
	<ul style="list-style-type: none"><li>At 2015 there were 189 people on the housing register who needed to move for medical reasons which included grounds relating to a disability.</li></ul>						



- It is important to make the best use of adapted properties and so an Assured Shorthold Fixed Term Tenancy may be offered to those occupying an adapted property.
- The strategy states that where households have a son, daughter or dependant adult of up to 25 years where there is a SEND any fixed term tenancy should be renewed.

### **Race**

- Bedford Borough has an ethnically diverse population. The 2011 Census indicates that 28.5% of the population was from minority ethnic groups (BME), compared to 20.2% nationally (and 13.9% excluding London Boroughs). The BME population increased by 16,400 between 2001 and 2011, whereas the 'White British' population declined by 6,900.
- The BME population is concentrated in the urban area of Bedford and Kempston, with particularly large BME communities in Queens Park (75%) and Cauldwell (59%) wards. The BME level is highest among younger age groups and a majority (51%) of the 0-4 population in Bedford and Kempston is non-'White British'.

### **Religion or belief**

- The 2011 Census indicated that religious belief for the Borough was as follows: Christian 59.3%, Muslim 5.5%, Hindu 1.5%, Sikh 2.1%, Jewish 0.1%, Buddhist 0.3%, Ravidassia 0.6%, other 0.4%, no religion 23.6%, not stated 6.6%. There is a strong correlation between certain religions and race; for example, many Pakistanis and Bangladeshis are Muslims, while many Indians are Hindu or Sikh. 2011 information shows that the composition of religion by ward varies greatly, with differences largely tied to ethnicity. For example, 41% of Queens Park ward residents are Muslim (3,500), and there are also large Muslim populations in Cauldwell (970), Castle (870) and Kingsbrook (840) wards. Almost 5% of Kempston Town residents are Sikh, and there is a large Hindu community in Cauldwell (460). There is a notable difference in the proportion of the population who are Christian between the urban (56%) and rural (65%) areas of the Borough. Again this largely reflects their different ethnic compositions, but is also influenced by the older age profile of the rural area.
- The highest proportion of Christians is in Oakley (69%) ward, followed by Bromham & Biddenham and Putnoe (both 68%) The lowest proportion is in Queens Park (37%).

<b>What further research or data do you need to fill any gaps in your understanding of the potential or known effects of the activity?</b>	<p>No further evidence is required.</p> <p>Research on the impact of this strategy will be sought as part of the review of the strategy planned for 2019/20.</p>
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### **General Equality Duty**

<b>Which parts of the general equality duty is the activity relevant to?</b>			
	Eliminate discrimination, harassment and victimisation	Advance equality of opportunity	Foster good relations
Age		The strategy aims to ensure the best use of the Borough's affordable housing stock. It aims to create opportunities for older people to downsize to property more appropriate for their needs and conversely for families to occupy properties that are vacated.	
Disability		The strategy aims to ensure the best use of adapted affordable housing properties and will make certain that the tenants residing in those properties require the adaptations. An Assured Shorthold Fixed Term Tenancy on an adapted property will only end where adaptations are no longer required.	
Gender		N/A	

reassignment			
Pregnancy and maternity		N/A	
Race		N/A	
Religion or belief		N/A	
Sex		N/A	
Sexual orientation		N/A	
Marriage & civil partnership		N/A	

### **Impact on equality groups**

<b>Based on the evidence presented what positive and negative impact will your activity have on equality?</b>				
	Positive impact	Negative impact	No impact	Explanation
Age	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><u>Older People</u></p> <p>The Strategy offers advice to Registered Providers to use fixed term tenancies on properties that are 3 bedroomed and above. For some older people without school age children, this may mean they are encouraged to move to smaller properties when the ones they are occupying are in excess of their needs. At the same time it would allow them to move to property that is more suited to their current needs.</p> <p>Older people living in sheltered accommodation will still be offered lifetime tenancies.</p>

				<p><u>Young Families</u></p> <p>Creation of additional vacancies in family housing would improve opportunities for young families to access housing to meet their needs.</p> <p>The strategy states that where households have any children of school age (19 years and under) any fixed term tenancy should be renewed. Using fixed term tenancies for 3 bed and above family accommodation will allow it to be reallocated if it were to be under occupied at tenancy renewal and will advance opportunity to obtain suitable housing for families with young children</p>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Through making the best use of the housing stock by offering Assured Shorthold Fixed Term Tenancies to households occupying adapted properties, these properties will be occupied by tenants with disabilities who require them.</p> <p>The strategy states that where households have a son, daughter or dependant adult of 25 years or under where there is a SEND any fixed term tenancy should be renewed.</p>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Marriage & civil	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A

partnership				
Other relevant groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A

### **Commissioned services**

<b>What equality measures will be included in Contracts to help meet the three aims of the general equality duty?</b>	N/A
<b>What steps will be taken throughout the commissioning cycle to meet the different needs of protected equality groups?</b>	N/A

### **Actions**

	What will be done?	By who?	By when?	What will be the outcome?
<b>Actions to lessen negative impact</b>	Monitor the effect of reducing under occupancy on elderly people.	Housing Strategy Team	As part of the Tenancy Strategy Review in 2019/20	Determine the impact upon elderly households of advising the use of Assured Shorthold Fixed Term tenancies for properties with 3 bedrooms or more.
<b>Actions to increase positive impact</b>	N/A			
<b>Actions to develop equality evidence, information and data</b>	Analyse information about ethnicity and how many	Housing Strategy Team	As part of the	Determine the effect of advising the use of Assured Shorthold Fixed

	households occupy 3 bedroom properties or larger.		Tenancy Strategy Review in 2019/20	Term tenancies for 3 bedroom properties and larger on different ethnic groups and other protected groups.
<b>Actions to improve equality in procurement / commissioning</b>	N/A			
<b>Other relevant actions</b>	N/A			

### **Recommendation**

<b>No major change required</b>	<input checked="" type="checkbox"/>	The evidence shows a possible negative effect towards elderly people as they are the most likely to be under occupying at a time when a fixed term tenancy would be due for renewal. However, the Tenancy Strategy will promote the best use of the Borough's housing stock and will provide a greater choice of affordable housing available to people who need it, including freeing up larger properties for families and those with adaptations for those with disabilities.
<b>Adjustments required</b>	<input type="checkbox"/>	
<b>Justification to continue the activity</b>	<input type="checkbox"/>	
<b>Stop the activity</b>	<input type="checkbox"/>	

### **Summary of analysis**

In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The draft Tenancy Strategy has been considered in relation to its potential impact on protected equality groups particularly older people,

families with children and young people and persons with disabilities. Potential impacts both positive and negative have been identified. Potential negative effects on equality groups relate to age as older people are more likely to be under occupying their homes however opportunities to downsize to more suitable properties will be created and best use of the housing stock will be made.

There are potential positive effects to disabled people who will have better access to available adapted properties, older persons wishing to downsize and to young families who may have greater access to family housing.

The Strategy allows for further research into the impact on protected groups once the first fixed term tenancies begin to expire in 2019.

The equality analysis concludes that no major change is required.

### **Monitoring and review**

<b>Monitoring and review</b>	<b>Review date</b>
Once adopted the Tenancy Strategy will be reviewed bi-annually from 2019 by the Housing Strategy Team. This equality analysis will be updated accordingly.	Bi-annually on the anniversary of the adoption of the Strategy.