Communities and Local Government

Impact Assessment of a national register for landlords

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Summary: Intervention & Options

Department / Agency: **Communities and Local Government**	Title: **Impact Assessment of a national register for landlords**	
Stage: Consultation	**Version:** Partial	**Date:** 15 May 2009
Related Publications: The Private Rented Sector: Professionalism and Quality The Government response to the Rugg Review		

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What is the problem under consideration? Why is government intervention necessary?

There are over 1 million private landlords in England and just over 70 per cent are private individuals or couples rather than corporate bodies or institutions. The Rugg Review identified lack of a professional perspective on the part of landlords, coupled with a lack of knowledge of existing legislation. Local authorities' enforcement activities are severely limited, e.g. in respect of ill-intentioned landlords, by an inability to identify who is a landlord, how to contact them or where properties are. The private rented sector (PRS) currently has lower levels of decent homes than either the social rented or owner occupied tenures. This policy seeks to redress these problems, and drive standards higher.

What are the policy objectives and the intended effects?

A clear signal that landlordism is a professional activity to secure behavioural change and drive up quality standards. Making landlords and tenants better informed by establishing an effective means of communicating key legislative requirements. Practical help in standardised forms reducing transaction costs. No hurdles mean simple and transparent registration, with low compliance costs for landlords. Better information for enforcement agents and tenants. Improved mechanism for complaints to be made. Opportunities for landlords to use the resulting website as a shop window.

What policy options have been considered? Please justify any preferred option.

1. Do nothing. 2. Full licensing of properties for all landlords. 3. National landlords' register.

Difficulties with "do nothing" outlined above - the same issues (and costs) identified by Rugg Review will persist. Full licensing is onerous, difficult to enforce and costly (estimated costs £300m a year). National register (preferred option) recommended by independent review and supported by stakeholders, including landlord groups. Moderate up-front costs (subject to competitive tender, but annual registration fees are assumed to be in range £30-£50), offset by substantial benefits

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

During consultation we will work with stakeholders to ensure a proper balance of costs and benefits in developing a detailed, final policy proposal. A post implementation review framework will be developed, and outlined in the final impact assessment.

Ministerial sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

20 May 2009

.... Date: ....

Summary: Analysis & Evidence

Policy Option: **1. Full licensing**	Description: **Full licensing by local authorities of all privately rented properties**

COSTS

ANNUAL COSTS		Description and scale of **key monetised costs** by 'main affected groups'	
One-off (Transition)	**Yrs**	Start up costs assumed to equate to £50,000 per LA. License fee £500 per property, valid for five years (across PRS stock of around 3 million in England). Five year phase-in period to license all PRS properties. 10 year appraisal time frame, one-off costs incurred year 0.	
£ 16m			
Average Annual Cost (excluding one-off)			
£ 300m		**Total Cost** (PV)	**£ 2.5bn**

Other **key non-monetised costs** by 'main affected groups'

Major hurdles for landlords entering sector will inhibit growth. Costs of licensing new properities for existing landlords will mean less likely to expand stock. Knock on effects on supply and landlord costs will mean increased rents for tenants. Associated administration costs for landlords.

BENEFITS

ANNUAL BENEFITS		Description and scale of **key monetised benefits** by 'main affected groups'	
One-off	**Yrs**	4 per cent tenancies subject to serious dispute p.a., at average cost of £1,000. Baseline assumes 5 per cent (of £750,000 TDP tenancies p.a.) TDP non-compliance, 15 per cent detection and £2,500 landlord cost per non-compliance detected. Policy assumed to secure a 50 per cent reduction in disputes and TDP non-compliance.	
£ 0			
Average Annual Benefit (excluding one-off)			
£ 67m		**Total Benefit** (PV)	**£ 0.6bn**

Other **key non-monetised benefits** by 'main affected groups'

Improved stock condition and landlord professionalism. Removal of poor/criminal landlords. Better protection for tenants.

Key Assumptions/Sensitivities/Risks

In early days, good landlords may bear more costs. Increased costs to the Residential Property Tribunal Service for appeals against licensing decisions. Licensing fee may be higher or lower than £500 (range £250-£750). Reduction in disputes and TDP non-compliance may be higher or lower that 50 per cent (range 30 per cent-70 per cent).

Price Base Year 2009	Time Period Years 10	**Net Benefit Range** (NPV) **-£0.5bn to -£3.4bn**	**NET BENEFIT** (NPV Best estimate) **-2.0bn**

What is the geographic coverage of the policy/option?			England	
On what date will the policy be implemented?			Subject to legislation	
Which organisation(s) will enforce the policy?			Local authorities	
What is the total annual cost of enforcement for these organisations?			£ 300m	
Does enforcement comply with Hampton principles?			No	
Will implementation go beyond minimum EU requirements?			Yes	
What is the value of the proposed offsetting measure per year?			£ n/a	
What is the value of changes in greenhouse gas emissions?			£ n/a	
Will the proposal have a significant impact on competition?			Yes	
Annual cost (£-£) per organisation (excluding one-off)	Micro **£200**	Small **£2000**	Medium **£4000**	Large **£20,000+**
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)
Increase of £ N/A	Decrease of £ N/A	**Net Impact £** N/A

Key: **Annual costs and benefits: Constant Prices** **(Net) Present Value**

Summary: Analysis & Evidence

Policy Option: **2. National register**	Description: **A web-based national register for all landlords**

COSTS				
ANNUAL COSTS		Description and scale of **key monetised costs** by 'main affected groups'		
One-off (Transition)	**Yrs**	Set up costs to be covered by fees (competitive tender for provision). Envisage annual fee in range £30 - £50 for each of around 1 million landlords means central cost estimate of £40m p.a. Appraisal time scale of 10 years.		
£ 0m				
Average Annual Cost (excluding one-off)				
£ 40m			**Total Cost** (PV)	**£ 330m**
Other **key non-monetised costs** by 'main affected groups'				
Time spent inputting information onto register (but members of existing landlord organisations passported into register). Possible displacement effects on other means of advertising properties for rent (dependent on takeup of this function in the register).				

BENEFITS				
ANNUAL BENEFITS		Description and scale of **key monetised benefits** by 'main affected groups'		
One-off	**Yrs**	Same assumptions regarding reduced dispute costs and improved TDP as per option 1, relative to baseline. Informational benefits (free tenancy agreements, property advertising and other resources) accruing to landlords/ tenants assumed to be worth around £15 per tenancy p.a., or £45m p.a.		
£ 0				
Average Annual Benefit (excluding one-off)				
£ 112m			**Total Benefit** (PV)	**£ 930m**
Other **key non-monetised benefits** by 'main affected groups'				
For all landlords - a more professional better regarded sector; more protection for tenants; easier enforcement by local authorities; more efficient tax assessment and collection.				

Key Assumptions/Sensitivities/Risks

Key assumptions for all options: 1 million landlords; 3 million properties; 18 month average tenancies. Annual fees may be higher or lower than central £40 estimate (range £30-£50), subject to competitive tender. As in option 1, reduction in disputes and TDP non-compliance may be higher or lower than 50 per cent (range 30 per cent -70 per cent).

Price Base Year 2009	Time Period Years 10	**Net Benefit Range** (NPV) **£ 290m - £900m**	**NET BENEFIT** (NPV Best estimate) **£ 600m**

What is the geographic coverage of the policy/option?	England
On what date will the policy be implemented?	Subject to legislation
Which organisation(s) will enforce the policy?	Central IT provider
What is the total annual cost of enforcement for these organisations?	fee recovery
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ n/a
What is the value of changes in greenhouse gas emissions?	£ n/a
Will the proposal have a significant impact on competition?	No

Annual cost (£-£) per organisation (excluding one-off)	Micro **£40**	Small **£40**	Medium **£40**	Large **£40**
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)
Increase of £	Decrease of £	**Net Impact £**

Key:	**Annual costs and benefits: Constant Prices**	**(Net) Present Value**

Evidence Base (for summary sheets)

Introduction

This impact assessment is one of two covering key regulatory proposals in the Government's response to the Rugg Review. The response was issued for consultation on 12 May and the deadline for comments is 7 August 2009. The impacts of the proposals contained in the response will also be discussed in depth by key stakeholders as part of task and finish groups set up by Communities and Local Government to explore specific proposals set out in the response.

Background

Key facts

In 2008, just over 14 per cent of all English households were housed in the private rented sector (PRS)[1]. The Rugg Review estimated that the PRS in England contained around 2.6 million properties in 2006, up from 1.8 million in 1988[2]. The sector has continued its growth since 2006, and more recent estimates suggest that, by the end of 2008, there were over 3 million English households in the PRS.

The sector is dominated by small landlords – in 2006 73 per cent of all landlords were individuals or couples and a little over 70 per cent of all landlords owned less than 10 properties (84 per cent of individual/ couple landlords owned 10 or fewer properties)[3].

The Rugg Review

In January 2008, the Government commissioned an independent review of the private rented sector from Julie Rugg and David Rhodes at the Centre for Housing Policy at the University of York. The review was commissioned partly in response to concerns about the stock condition and the activities of some unscrupulous landlords and letting and managing agents in the sector expressed be reports from CAB, Shelter, RICS and the Law Commission and partly as a counterpart to Sir John Hills' review of the social rented sector.

The Rugg Review's findings were published on 23 October 2008. Overall, the review pointed to a sector that performs an important role in the housing market; a sector that is responding flexibly to changing circumstances, both for individuals and structurally; and a sector that continues to offer quality and choice for those choosing to rent, as well as a safety net for those unable to access other types of housing.

[1] Source: CLG analysis of ONS Labour Force Survey data.

[2] "The Private Rented Sector: its contribution and potential", Julie Rugg and David Rhodes, Centre for Housing Policy, University of York, 2008 (page 39).

[3] See Rugg Review, tables 2.1 and 2.5, respectively

However, the Rugg Review also highlights weaknesses. Whilst it finds that most landlords are well-intentioned and deliver a good service, it also finds that some simply do not view their role professionally and, therefore, fail to obtain sufficient knowledge to provide a satisfactory level of service. Others – a minority – are ill-intentioned and seek to operate outside and against the current regulatory framework, often exploiting the most vulnerable and allowing anti-social behaviour to take place in neighbourhoods, causing misery for many households. At the same time, local authorities are not always able to focus their resources in order to use the extensive enforcement powers provided in the Housing Act 2004 against the worst landlords.

The review sets out a series of high level "policy directions of travel" to tackle the weaknesses it identifies in the sector. Key amongst these a proposal for what is termed "light touch licensing for landlords" – a simple 'no hurdle' licensing system for all landlords. Landlords would be required to register and receive a licence number which would then be a pre-requisite for any kind of landlord activity. Licence fees could contribute to the development of a housing justice framework and the licensing scheme would allow local authorities to focus on the 'worst first' in carrying out their enforcement activity.

A national register for landlords

The preferred option – a national register for landlords (option 3) - explored in this impact assessment flows from the Rugg proposals for light touch licensing.

Landlords are already subject to regulation aimed at tackling poor stock condition and management through enforcement powers given to local authorities in the Housing Act 2004.

However, although condition is improving, in 2006, 40 per cent of the private rented stock failed to meet the basic decent homes standard[4]. Of those, over 30 per cent could be classed has having category 1 hazards under the framework set by the housing healthy and safety rating system. Poor condition impacts disproportionately on low income households. Those receiving at least one means tested benefit are more likely to live in non-decent homes.

Local authorities, voluntary organisations and landlords' professional organisations themselves also tell us that a substantial minority of landlords, often through ignorance rather than malice, continue to operate outside the regulatory regimes that the 2004 Act established. For instance, although we are not sure how widespread the practice is, the plight of low income households in poor quality rented accommodation, including those on housing benefit, can be exacerbated by what the Citizens' Advice Bureau (CAB) have identified as the practice of 'retaliatory eviction', where a landlord reacts to a legitimate complaint by a tenant by evicting them (CAB, 2007[5]). At the same time, local

[4] Communities and Local Government (2008) English House Conditions Survey 2006: http://www.communities.gov.uk/news/corporate/678831.

[5] See http://www.nacab.org.uk/tenants_dilema_-_document.pdf.

authorities speak of the problems associated with enforcement where a landlord cannot be contacted or avoids contact.

Voluntary approaches already exist for landlords to improve their skills and obtain help and advice. Landlord associations can be a vital source of advice, training and support for landlords. Their role must always be to ensure landlords adopt a fully professional approach to their service delivery to tenants. But their members only represent a minority of all landlords in England and some confusion is created for potential members by the range of landlord organisations available. Whilst we warmly welcome opportunities that arise where joint working between the different associations improves the overall service to landlords and tenants, this does not always happen. Local authorities who run accreditation schemes which are also directed at helping landlords tell us that take up of those schemes is often marginal and low at best.

We do not want to go back to the days of over-regulation which caused the sector to contract in the post war era. That is why we have not gone down the path of full licensing of private rented sector properties along the lines of the Scottish system (option 2 in this impact assessment). But we do want to help local authorities enforce legislation designed to protect the most vulnerable and we do want to ensure that the vast majority of good landlords are not stigmatised by virtue of the existence of the few who are unprofessional and, sometimes, criminal in intention.

Policy objectives

We see the introduction of a national register as vital to the **professionalisation of the sector**. It clarifies the fact that being a landlord is an important activity in itself with linked responsibilities and skills. The register would have a key role in **disseminating information to landlords** and so ensuring that they have the basic skills and knowledge that they need to carry out their business and to provide **a basic level of protection against the risk** of falling foul of existing legislation through ignorance. We also plan that the register should provide a mechanism by which we can offer more concrete **help through the provision of standard forms** and the opportunity to use the register as a "**shop window**" for their housing both at no cost beyond a basic registration fee to cover administration costs (at present, estimated at £50 annually).

The proposals for the register envisage **no hurdles to entry** other than the need to fill in a few basic pieces of information (for consultation, but likely to be name and address and addresses of properties for rent). This is a deliberate contrast to a licence-based approach. It reinforces our strong view that, as the Rugg Review found, the vast majority of landlords are well-intentioned and offer a good service to tenants. We want to recognise and support those landlords and a national register offers an important mechanism for doing that.

Taken with the other measures proposed in this response, we believe that it also represents the **best means of tackling poor landlords**. We propose to establish a mechanism by which enforcement agencies, voluntary bodies and individual tenants can register with an independent body where there are problems with a particular landlord. Where these problems are judged to amount to serious concerns about that landlord and their ability to operate their business in an appropriate way which is within the law and to provide the right level of service to their tenants, we propose that the landlord would be removed from the national register and no longer able to operate as a landlord. This would not mean that he or she would lose their property or that tenants would have to move out. It would simply result in a local authority or properly regulated managing agent would be used to manage the property for the landlord using the rental income in the first instance as a mechanism by which improvements and management costs can be covered. What this approach would do would be to provide a means by which we can drive up standards and isolate those who wish to operate outside the law rather than penalising all landlords by removing their ability to regain possession of their property or imposing onerous licensing requirements on them.

Links to other policy areas

Our proposals link closely with the work that the Department of Work and Pensions has been doing as part of its internal review of housing benefit and with the Department of Energy and Climate Change's work to improve the energy efficiency of the private rented sector.

Options

Given the findings of the Rugg Review and the concerns of our stakeholders, making no change to the current arrangements is not a sensible option. As already explained, landlords do not take up voluntary training and support in any great numbers, vulnerable tenants continue to be exploited by unscrupulous landlords and "amateur" landlords continue to do business in ignorance of their obligations. Many commentators have pressed the government to go down the path of either a full licensing regime for all private rented sector property. This is explored under option 2 of this impact assessment. It has a high cost and will impose significant administrative burdens on all landlords rather than focusing on the minority who act poorly.

Cost/benefit analysis (where quantifiable)

Baseline assumptions

1. We assume 3 million rented properties (and hence 3 million rental agreements), and 1 million landlords.

2. Six per cent of tenancies are terminated early (mostly because of non-payment of rent)[6]. We therefore assume that around 6 per cent of tenancies become subject to serious dispute, involving costs such as non-

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[6] See Govt response to Rugg Review Consultation http://www.communities.gov.uk/documents/housing/pdf/1229922.pdf.

payment of rent, and potentially legal and administrative costs for landlords and tenants. An average cost to landlords, tenants and the legal system per dispute could be conservatively assumed to be at least £1,000 per dispute. Given the average length of a tenancy of 18 months, this 6 per cent early termination rate would equate to an annual dispute rate of 4 per cent across 3 million tenancy agreements.

3. This leads to a lower bound annual dispute cost estimate of approximately £1,000 * 3 million * 4% = £120m per annum under the current status quo (benchmark).

4. Average deposits are around £900. If a landlord is found not to have taken out tenancy deposit protection (TDP), as per current requirements, there is a fine of 3 times the deposit. This gives rise to a cost of around £2,500. Deposits have been protected at a rate of 750,000 per annum in the first two years of the scheme. Assuming a 5 per cent non-compliance rate, and a 15 per cent detection rate, total annual non-compliance costs are estimated as £2,500 * 750,000 * 5% * 15% = £14m per annum.

5. Total estimated annual costs under our 'do nothing' baseline are therefore around £134m per annum.

6. The appraisal time frame is 10 years.

7. For both options 1 and 2, the derived benefits are assumed to arise from a (central scenario) reduction in both dispute rates and TDP non-compliance rates of 50 per cent (with corresponding benefits appraised as avoided costs). In both cases, for the purposes of sensitivity testing, upper and lower bounds of 70 per cent and 30 per cent, respectively, are tested.

8. All one-off costs are assumed to be incurred up-front, with annual costs and benefits accruing over years 1 to 10.

9. Costs and benefits are expected to rise with inflation over time, and are therefore expressed in real terms.

10. These are then discounted at a real discount rate of 3.5 per cent to derive net present values (NPV's).

Option 1 – full licensing by local authorities

We assume set up costs of £50,000 for all local authorities in England. There is a central assumption of a licensing cost of £500 per property, with lower and upper bounds of £250 and £750, respectively, for the purposes of sensitivity testing. It is assumed that property licenses would need to be renewed every five years. There would be considerable non-monetised costs arising from the fact that it is not likely to be feasible to license all 3 million PRS properties in the first year. We assume a five year phase-in period, where 600,000 properties are licensed per year. This would imply considerable implementation problems, and potentially disadvantage landlords at the front end of the process.

These assumptions give rise to (central assumption) stream of real costs and benefits over the 10 year appraisal time frame given in **table 1a**. An assumed real discount rate of 3.5 per cent per annum gives a net present value (NPV) compared with our 'do nothing' scenario of -£2.0bn over the appraisal period. Sensitivity testing is applied to give optimistic and pessimistic case scenarios. The optimistic scenario involves licensing costs per property of only £250 (pessimistic scenario £750), together with reductions in tenancy dispute rates and TDP non-compliance of 70 per cent (30 per cent in the pessimistic scenario). The optimistic scenario gives an NPV relative to 'do nothing' of -£0.5bn, with the pessimistic scenario giving -£3.4bn (see **table 1b** and **table 1c**).

Option 2 – landlord register

Set up costs are assumed to be covered by annual membership fees (running of the register is to be contracted out by competitive tender, that will determine a competitive fee rate to be paid for the service provided). There are therefore no up-front costs to Government, and costs are incurred on an annual basis in the form of the membership fees. A central estimate is assumed to be £40 per landlord per year, with upper and lower bounds of £30 and £50, respectively.

The same benefits are assumed to accrue in terms of reduced tenancy disputes and increased TDP compliance (with the same upper and lower bounds of 70 per cent and 30 per cent, and central estimates of 50 per cent reductions).

There are additional benefits in the form of information to be provided on the register's portal (free tenancy agreements, property advertising and other resources). These will accrue to both landlords and tenants, with an assumed value of around £15 per tenancy p.a.

These assumptions give rise to (central assumption) stream of real costs and benefits over the 20 year appraisal time frame given in **table 2a**. An assumed real discount rate of 3.5 per cent per annum gives a net present value (NPV) compared with our 'do nothing' scenario of +£600m over the appraisal period. Sensitivity testing is applied to give optimistic and pessimistic case scenarios. The optimistic scenario involves an annual membership fee of only £30 per landlord (pessimistic scenario £50), together with reductions in tenancy dispute rates and TDP non-compliance of 70 per cent (30 per cent in the pessimistic scenario). The optimistic scenario gives an NPV relative to 'do nothing' of +£900bn, with the pessimistic scenario giving +£290m (see **table 2b** and **table 2c**).

Table 1a: Option 1, central scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	-16										
Licensing costs, £m		-300	-300	-300	-300	-300	-300	-300	-300	-300	-300
Benifits - reduced disputes, £m		60	60	60	60	60	60	60	60	60	60
Benefits - increased TDP compliance, £m		7	7	7	7	7	7	7	7	7	7
Net annual cost/ benefit, £m	-16	-233	-233	-233	-233	-233	-233	-233	-233	-233	-233

Table 1b: Option 1, optimistic scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	-16										
Licensing costs, £m		-150	-150	-150	-150	-150	-150	-150	-150	-150	-150
Benifits - reduced disputes, £m		84	84	84	84	84	84	84	84	84	84
Benefits - increased TDP compliance, £m		10	10	10	10	10	10	10	10	10	10
Net annual cost/ benefit, £m	-16	-56	- 56	- 56	- 56	- 56	- 56	- 56	- 56	- 56	- 56

Table 1c: Option 1, pessimistic scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	-16										
Licensing costs, £m		-450	-450	-450	-450	-450	-450	-450	-450	-450	-450
Benifits - reduced disputes, £m		36	36	36	36	36	36	36	36	36	36
Benefits - increased TDP compliance, £m		4	4	4	4	4	4	4	4	4	4
Net annual cost/ benefit, £m	-16	-410	-410	-410	-410	-410	-410	-410	-410	-410	-410

Table 2a: Option 2, central scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	0										
Annual membership fees, £m		-40	-40	-40	-40	-40	-40	-40	-40	-40	-40
Free information resources, £m		45	45	45	45	45	45	45	45	45	45
Reduced dispute benefits, £m		60	60	60	60	60	60	60	60	60	60
Benefits - increased TDP compliance, £m		7	7	7	7	7	7	7	7	7	7
Net annual cost/ benefit, £m	0	72	72	72	72	72	72	72	72	72	72

Table 2b: Option 2, optimistic scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	0										
Annual membership fees, £m		-30	-30	-30	-30	-30	-30	-30	-30	-30	-30
Free information resources, £m		45	45	45	45	45	45	45	45	45	45
Reduced dispute benefits, £m		84	84	84	84	84	84	84	84	84	84
Benefits - increased TDP compliance, £m		10	10	10	10	10	10	10	10	10	10
Net annual cost/ benefit, £m	0	109	109	109	109	109	109	109	109	109	109

Table 2c: Option 2, pessimistic scenario

Year	0	1	2	3	4	5	6	7	8	9	10
One-off costs, £m	0										
Annual membership fees, £m		-50	-50	-50	-50	-50	-50	-50	-50	-50	-50
Free information resources, £m		45	45	45	45	45	45	45	45	45	45
Reduced dispute benefits, £m		36	36	36	36	36	36	36	36	36	36
Benefits - increased TDP compliance, £m		4	4	4	4	4	4	4	4	4	4
Net annual cost/ benefit, £m	0	35	35	35	35	35	35	35	35	35	35

Implementation arrangements

The proposal is set out in the government's response to the Rugg Review (The private rented sector: professionalism and quality). It is subject to a full public consultation process, including detailed discussion of key proposals by task and finish groups set up for that purpose and involving representatives of all key stakeholders. A central task for these groups will be consideration of costs and benefits.

We welcome comments from all consultees on the costs and benefits of our proposals. The deadline for responses to the consultation exercise is 7 August 2009. A summary of responses will be published following that deadline and more detailed proposals emerging from that process will be published for consultation in a White Paper in the Autumn. The national register for landlord would require primary legislation which would not be in place until 2011 at the earliest.

Enforcement arrangements

Detailed enforcement arrangements are yet to be developed. The current consultation exercise will form an important input to that process. The Hampton Principles will also be a key input to consideration of enforcement activity.

Post implementation review/post legislative scrutiny arrangements

Rigorous arrangements will be put in place to review any legislation and measures once they have been finalised and implemented. Given the early stage of these policy proposals, full details are not yet available. A framework for post implementation review will be included in the final IA.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	*Results in Evidence Base?*	*Results annexed?*
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	Yes
Sustainable Development	No	Yes
Carbon Assessment	No	Yes
Other Environment	No	Yes
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

Annexes

Results of specific impact tests – these should all be seen in the context of the overall outcomes associated with a national register for landlords of improved professionalism; increases in stock quality; and better enforcement against poor landlords.

Competitive assessment – no impact. Proposed measure will apply across the sector and bring England more into line with EU practice.

Small firms impact test – positive impact. Small landlords form over 70 per cent of the private rented sector. As the Rugg Review highlighted, they are more vulnerable to falling foul of existing legislation and less likely to factor administrative costs into their business plans (and therefore rental levels). The proposed register will provide an easy mechanism for them to access information and avoid penalties associated with non-compliance with the legislative framework. It will also provide access to a marketing tool for their properties and free templates for legally required forms such as tenancy agreements and applications for possession orders. The cost-benefit analysis set out in this impact assessment shows that, on average, these benefits outweigh the basic estimated cost of registration.

Legal aid – no impact/possible reductions in costs. Landlords are generally not eligible for legal aid. So changes in the legal framework for them would have no impact on legal aid payments. We would expect greater knowledge about their legal commitments to reduce landlord/tenant court activity with matching reductions in legal aid where it is supporting a tenant's involvement.

Sustainable development – positive impact. Not the main focus of these proposals. But would expect improvements in the quality of the stock that they are intended to deliver to impact positively on sustainable development outcomes.

Carbon assessment – positive impact. A key outcome sought from this measure is an improvement in stock quality. We would expect this to be linked to improved energy efficiency and reduced carbon emissions.

Other environmental – positive impact. Improved stock quality and more professional management should mean improvements in other environmental outcomes such as other greenhouse gas emissions, water consumption and noise pollution.

Health impact assessment – positive impact. Improved stock quality would lead to better health for tenants.

Race equality – positive impact. Ethnic minority groups tend to be disproportionately represented in lower quality rented stock. This measure is aimed at improving security, stock condition and management of this sub-market of the private rented sector and is, therefore, expected to have a positive impact on minority racial groups.

Disability equality – neutral. The proposed measure is neutral towards those with disabilities. We are not currently aware of evidence that they are disproportionately represented in the sector. Securing improvements in the professionalism of landlords and improvements in stock quality will have no adverse effects on those within the sector and will create no barriers specific to those with disabilities seeking to either to rent or let out property.

Gender equality – neutral. The proposed measure is gender neutral. We do not have any evidence to suggest that specific genders are disproportionately represented within the private rented sector. Therefore impacts flowing from the proposed measure should not have gender specific outcomes.

Human rights – positive impact. Will improve tenants' right to suitable accommodation and to undisturbed enjoyment of their home.

Rural proofing – neutral. There are relatively fewer private rented properties in rural areas than in urban ones. However, we would expect the same impacts as outlined elsewhere to emerge. It is possible that there would be some positive impacts in ensuring suitable accommodation for migrant workers and mitigation of their impacts on local areas. But this is difficult to quantify at this stage and might be offset by resulting increases in associated labour costs.

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