

APPENDIX 2: EQUALITIES IMPACT ASSESSMENT

Equality Impact Assessment on the Enforcement Policy for Private Sector Housing

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with its Equality Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision making process.

Title of this Equality Impact Assessment:

Private Sector Housing Enforcement Policy

Purpose of this Equality Impact Assessment:

To assess and advise upon the potential impacts of the proposed Enforcement Policy for Private Sector Housing

Officer Responsible: (to be completed by the report author)

Name: Kevin Thompson, Head of Private Sector Housing.	Ext: 4753
Directorate: Chief Executive	Department/Division: Private Sector Housing

Director:



James Goddard

Date: 1st December 2021

STEP 1: DEFINING THE ISSUE

One of the Council's key priorities is to ensure that housing conditions in the private rented sector (PRS) are safe and healthy for residents. Enforcement action underpins the work of the Private Sector Housing Team in securing good standards in the PRS and is key to the success of the Council's three property licensing schemes and other interventions.

There is a wide range of enforcement powers relating to the PRS and they are derived from a multitude of Acts of Parliament and secondary regulations. Many of these have been introduced individually over many years and it can be difficult for landlords to be clear on what powers can be applied to them or for tenants to understand their rights and recourse to remedying poor housing conditions and management. When taking enforcement action, the council must do so in line with its

constitution and the Regulators Code.¹ This enforcement policy sets out the range of enforcement powers in place and gives guidance on how the powers will be applied. It provides guidance to enforcement officers and provides transparency for landlords and tenants with the aim of ensuring that enforcement action is always taken in a proportionate, fair and non-discriminatory manner.

2. Who are the main people that will be affected?

- landlords of properties in the Private Rented Sector (PRS)
- residents in the PRS
- managing Agents for properties in the PRS
- Private sector housing officers who will exercise the enforcement powers

STEP 2: ANALYSING THE ISSUES

2. What information and consultation have you used to inform your decision making?

The proposals do not implement any new policies or remove any existing ones, they merely consolidate existing policies into one concise document.

Equality Impacts

2. Identifying the impacts

This policy affects vulnerable groups from all parts of the community.

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

These impacts were set out in the Cabinet report (March 2018) recommending the implementation of licensing schemes. The Equality Act 2010, section 149, provides that a public authority (which includes the Council) must, in the exercise of its functions, have due regard to the need to—

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For the purposes of (b) and (c) above the eight relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. For the purposes of (a) public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status (in addition to the other eight protected characteristics).

¹ Regulators Code; Department of Business, Innovation and Skills, Better Regulation Delivery Office; 2014

Enforcement of the requirements incumbent upon PRS housing providers and managing agents is key to tackling poor housing conditions and raising physical and housing management standards in the sector for all residents. Improving housing conditions and management in the PRS has particular benefits for older people, pregnant women and young children, particularly those on low incomes, who are at particular risk from poor housing conditions and poor standards of management. In addition it has specific benefits for people with disabilities, for example those with mobility issues or sight impairment, by requiring landlords to remove hazards that could be of particular risk to these groups. It also has benefits for Black, Asian and Minority Ethnic (BAME) residents in the sector by improving housing conditions and management..

Improving housing conditions and management in the PRS through enforcement has no longer-term adverse impacts on other groups with protected characteristics, including people with gender reassignment, religion or belief, sex and sexual orientation, marriage or civil partnership status.

Impacts on specific groups with protected characteristics:

a. Race

People from any ethnic minority group within the PRS benefit from improved housing conditions and management brought about through enforcement.

b. Disability

The provisions within this policy will have a positive effect on this group, for example those with mobility issues or sight impairment, as outlined above.

c. Gender

No anticipated detrimental impact. There may be a positive impact for pregnant women as outlined above.

d. Age

The provisions within this policy will have a positive effect on this group, for example those with mobility issues, as outlined above.

e. Religion

No detrimental impact.

f. Sexual orientation.

No detrimental impact.

g. Gender reassignment

No detrimental impact.

h. Pregnancy and Maternity

No detrimental impact. There may be a positive impact for pregnant women as outlined above.

i. Marriage and Civil Partnership

No detrimental impact.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

No detrimental impact.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

Codifying the wide range of enforcement powers and how they should be exercised into one policy document will improve understanding for all relevant groups. It will improve understanding among landlords and managing agents of the enforcement action that could be taken against them. It provides guidance to enforcement officers when exercising their powers and provides transparency for landlords and tenants with the aim of ensuring that enforcement action is always taken in a proportionate, fair and non-discriminatory manner.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

All actions have been identified in the policy, in particular how enforcement action will be taken in line with the Council's constitution and the Regulators Code..

No negative impacts have been identified

