

Equality Impact Analysis Record Form 2011

(replacing the former Equality Impact Assessment)

Introduction

The purpose of carrying out this equality impact analysis is to provide evidence that you have paid 'due regard' to the different protected characteristics when making your decision upon the policy, service or function. It is also a tool that will enable you to meet and further the 3 aims of the general equality duty:

1. **Eliminating unlawful discrimination**
2. **Advancing equality of opportunity**
3. **Fostering good relations**

Department	Neighbourhoods and Housing
Service Area	Private Housing (Environmental Health)
Title of policy/ practice/ service or function	Enforcement Policy
Lead Officer	Andrea Towse/Ian Sanders

Stage 1 - The team carrying out the analysis

Think about:

- ❖ Who is the responsible manager for that particular service?
- ❖ Which partners and stakeholders are involved in delivering the policy/function/service?
- ❖ Are there any external funders who help ensure the service/function can be delivered?

Name	Service Area/Role
Sue Roberts	Private Housing – Policy and Practice Manager
Andrea Towse	Principal Environmental Health Officer
Ian Sanders	Principal Environmental Health Officer

Stage 2 – Establish relevance to equality

The following questions can help you to determine how relevant your policy, service or function is to equality, this is not an exhaustive list:

- ❖ What is the purpose of the policy, practice, service or function?
- ❖ Do you know who accesses or uses your service?
- ❖ Is your service easy to access and for whom?
- ❖ Is your policy/service important to one or more of the protected groups?
- ❖ Does your policy, service or function relate to an area that has known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools).
- ❖ What is the proposed change to the policy, service or function?
- ❖ Are there any groups of people who could experience a poorer quality of life because of any proposals to change, reduce or withdraw the service or a benefit?

The purpose of the Enforcement Policy for Private Housing (Environmental Health) (PHEH) is to provide information to landlords, tenants and owner occupiers of action the team **will** or **may** take when poor housing conditions found within the city. PHEH enforce a number of pieces of legislation to deal with housing conditions. The primary piece of legislation enforced by PHEH is The Housing Act 2004 and the Housing Health and Safety Rating (HHSRS) which is used to assess the 29 hazards including from excess cold, asbestos, structural collapse and falling elements and personal hygiene, sanitation and drainage. When an officer carries out an inspection of a premises deficiencies which would result in any of the 29 hazards are identified and recorded. An assessment is then carried out to determine if the combined effect of the deficiencies and resultant hazard will have a detrimental impact on the health and wellbeing of any occupant or potential occupants in the next 12 months. This may include groups which are specifically identified in the legislation such as the over 65 for excess cold and under 5 for electrical hazards, not all of the 29 hazards have a specific vulnerable group.

The current policy of PHEH is to usually work informally with landlords and request that works are completed within a timescale, which is usually suggested by the landlord. If a landlord fails to carry out the works requested this results in tenants being subjected to the conditions for a longer until statutory notices have been served which also have usually a minimum of 28 days before the works have to start.

The service of a statutory notice under the provisions of the Housing Act 2004 affords tenants 6 months protection from eviction however rent arrears can prevent this protection. Currently tenants do not have this protection until the council serves statutory notices under the Housing Act 2004.

The Enforcement policy was last reviewed in 2012. In the intervening time there have been a number of new pieces of legislation and requirements relating to the private sector. The new enforcement policy will take these requirements into account and ensure that the council meets all of its statutory obligations in relation to private housing.

The private housing sector provides a vital housing option to many residents in Hull including all of the protected groups.

The policy will also directly affect landlords who may also be members of protected groups.

Changes to the enforcement policy

1. Removal of the informal procedure and serving statutory notices in the first instance. This will result in a financial charge for the notice which will be served on

the landlord after service of the notice.

Proposal – Previously PHEH have tried to work informally with landlords which resulted in tenants being subjected to poor housing conditions for long periods of time until statutory notices are served or repairs are completed to the councils satisfaction. The removal of the informal stage will result in works being carried out sooner and in some cases will provide tenants with 6 months protection from eviction.

2. Introduction of fee and charges for services provided.

Proposal - Previously PHEH have provided Immigration Inspection and advice visit free of charge the proposal to charge for these services will enable the council to continue to provide such services as they are not a statutory function therefore there is no requirement for the council to provide these services.

3. Introduction of civil penalty charges, rent repayment orders, rogue landlord data base and banning orders.

Proposal – With the introduction of new pieces of legislation PHEH have new powers to deal with non-compliance and to prevent persistent offenders from renting properties. The civil penalties will enable the council to serve penalty charges of up £30,000, depending on the circumstances as an alternative to prosecution for various offences under the provisions of the Housing Act 2004. In addition to the penalty charges the council may be able to apply for rent repayment orders to recover up to 12 months of the rent that has been paid. If a landlord or agent has 2 or more prosecutions or penalty fines the council can apply for a banning order preventing them for operating as a manager of a rented property.

4. Changes to mandatory licensing for housing in multiple occupation

Proposal – As result of the governments change to the definition of a mandatory licensable house in multiple occupation from properties which have 3 or more storeys and 5 or more occupants, forming 2 or more households with shared facilities. The new definition includes all properties occupied by 5 or more persons forming 2 or more households and sharing amenities. The criteria regarding the number of storeys has been removed. This has resulted in at least a threefold increase in the number of properties which are subject to mandatory licensing.

5. Review of self-regulation and landlord accreditation schemes

Proposals – Removal of one of the informal workings schemes, self-regulation, and review of the remaining scheme, accreditation. There will also be the introduction of a fee for joining the accreditations scheme.

The proposed changes to the PHEH Enforcement Policy are to allow officers to use all the enforcement tools available to them to ensure that the residents of the city are living in dwellings that do not pose risk to their health and wellbeing.

Stage 3 - The scope of the analysis

This scoping exercise is probably best done by the whole team, identifying what needs to be considered and agreeing how this can be done. Ideally everyone within the team will end up with a task.

Please can you try and answer all of the following questions?

- ❖ What do you want to achieve from the potential change to your service?
- ❖ Have you consulted recently on people's views of your service and their priorities?
- ❖ Does the service already meet all customers' individual needs? If not why not?
- ❖ What needs to be analysed and what methods will you use to undertake your equality analysis?
- ❖ What will not be considered as part of the equality analysis?
- ❖ Who are the partners involved in the successful delivery of your service to customers?
- ❖ Who will be responsible for what tasks?

What do we want to achieve from the changes to the enforcement policy

The PHEH enforcement policy will be considered by cabinet on 23 April 2018. Coinciding with review of the policy there have been a number of new pieces of enforcement legislation enacted which form the basis for the majority changes to the enforcement policy. The newly drafted enforcement policy was sent to officers including legal services, human resources and finance for comments. In addition to this an information event was carried out on 21 February 2018. Tenants, landlord and councillors were invited to attend and provide feedback. There was also an opportunity for feedback to be provided by email.

Why make changes

The purpose of the enforcement policy to demonstrate that the council is working within the requirements of the legislation and also enable customers of the service to see what can be expected from PHEH.

The Deregulation Act 2015 introduced the protection from retaliatory eviction for private sector tenants who complain to the council about their housing conditions. If a tenant has brought the disrepair to their landlord's attention in writing and allowed 14 days for the repairs to be completed and the landlord doesn't carry out the necessary and the council serves an improvement notice the tenants are protected from evictions for 6 months. Continuing to use our informal procedure tenants would not receive this protection until much later in the process and have been served with notice to quit as a result of their complaint.

Implement a number of new pieces of legislation to deal with rogue landlords. Over recent months the government has introduced various enforcement tools for councils to use to deal with landlords who don't comply with their requirements. These include penalty fines and extension of rent repayment orders.

Mandatory Houses in Multiple Occupation Licensing was introduced with the Housing Act 2004 and implemented in 2006. These regulations required that all dwelling which had 5 or more occupants forming 2 or more households on 3 or more storeys with shared facilities are licensed. This requirement has now changed to include HMOs with 5 or more

occupants, forming 2 or more households and sharing amenities.
 A review of fees and charges has also been completed this has resulted in a number of non-statutory being identified and a fee being identified for the costs of officer time in carrying them out.
 Currently PHEH run two informal working schemes which landlords can sign up to. The proposal is to discontinue one scheme and review the other scheme. This will result in charges for membership in addition to this it is also likely that some of the conditions of the scheme will change too.

Stage 4 - Data and consultation feedback

This section forms a critical part of your equality analysis in meeting the requirements of the Equality Act 2010. Therefore, please ensure that there has been adequate and meaningful consultation undertaken with customers from protected groups. Please ensure that when consulting people are fully informed of any decisions that will change, reduce or withdraw a service or benefit.

Please remember to contact the Corporate Customer Insight Team to register with them any consultation you may wish to undertake, and to find any existing consultation and sources of data that the council may have which could assist your equality analysis. Please also contact the Equality Policy Team for contacts for groups within the community for engagement/consultation.

When gathering information from data and consultation it is important that you provide a picture with your analysis on:

- ❖ Who currently uses your service?
- ❖ Are there differences in demand for your service within the community?
- ❖ Is it easy for protected groups to access your service?
- ❖ Are there any different experiences in those accessing the service and if so for whom?
- ❖ Do all your existing communication methods reach all groups of people?
- ❖ Will any protected groups experience a poorer quality of life because of the proposals of change, reduce or withdraw of the service or benefit?

Sources of data and consultation used

Source	Reason for using
Email sent with invite to information event with response form attached	To enable anyone who is unable to attend the event can make a comment.
Consultation event on 21 February 2018	To seek comments from landlords, tenants and councillors regarding the proposed changes to the enforcement policy.
Hull Data Observatory * Experian	Information regarding deprivation
Civica APP	To obtain email addresses of some landlords with rented properties within the city

Do your customers and stakeholders agree with your findings and proposed response? If not, why not?

Consultation responses

1. Written legal response received from the Humber Landlords Association – not in agreement with the proposals to remove the informal working stage; consider it is not proportionate and not in accordance with the Regulators Code.

Other email responses received – see appendix 5 to Report to Cabinet April 2018.

2. I am NOT in favor of introducing an annual licensing fee. With the reduction interest allowable against a mortgage this is an additional cost which on the small rents in Hull landlords cannot afford.

I am NOT in favor of changing the statutory notice for eviction. I have been a landlord for 15 years and have never evicted someone and would only do so for good reason. If a tenant is in serious rent arrears landlords may need to evict as landlords have mortgages to pay and cannot default on these mortgages.

Existing policy	Proposed policy change	Reason for change
Informal working with landlords in first instance unless imminent risk or landlord has history of non-compliance	Removal of informal stage; service of statutory notice (some statutory notices i.e. Housing Act 2004 have a chargeable fee)	Protection for tenants against being served notice by landlord; protection for 6 months where Council serves statutory notice (Deregulation Act 2015 introduced)

3. The above proposed policy change is the only one we would query.

For our organisation, the current informal system works well. Hull CC informs us of an issue, we respond to it and the matter is resolved. The current practice facilitates a relationship between the council and our organisation. There may be a danger of alienating Landlords should Statutory Notices be immediately issued, when in fact a letter, requesting an issue be attended to, would suffice.

Reason for Change: Protection for tenants against being served notice by landlord

Our organisation provides temporary supported accommodation. As you can imagine, some of our tenants have chaotic lifestyles and often breach the tenancy agreement.

We generally use Section 21 Notices which allow us to attempt to find alternative accommodation for our tenants. However, it would appear from the above proposed changes, issuing these may not be possible.

Would this protection also apply to Section 8 Notices? If we were only able to use Section 8 Notices, it would incur higher costs in professional fees.

If the protection you are proposing includes all Notices then what options would be open to us to end a tenancy of a tenant who was displaying Antic Social Behavior, which as a Landlord, we duty bound to deal with.

4. I did not attend the meeting but have been informed that every bedroom needs a sink to be installed.
This is not possible for the reasons listed
 1. Health and safety - Legionella grows in pipework not regularly used. Ideal conditions are a warm house.
 2. The older building especially do not have the structure to accommodate long lengths of waste pipe and hot and cold pipes.
 3. All our properties have the waste water drains at the back of the house, meaning that very long lengths of waste would be needed, Health and Safety issues again.
5. I won't be available for the Drop-In but having read Dave Richmond's letter the proposed changes all seem very positive to me and I would support them (Member).

If analysis suggests that people from a protected group will not be affected, an attempt should be made to 'check this out' and this should not be solely based on objective information. If this cannot be achieved within the time frame of the analysis, then it should become an action to be taken in the future and included within the action plan.

Stage 5 - Analysing the impact or effects

When arriving at a judgment about the levels, if any, of impact, you should consider:

- ❖ Equal opportunity
- ❖ Accessing in its widest sense and methods used to regulate access to a service or employment
- ❖ Treatment (the experiences people have when trying to use services)

Your data and your information can come from a wide range of sources including:

- ❖ Local or national census data
- ❖ Satisfaction surveys, complaints
- ❖ Specific Research carried out locally and nationally
- ❖ Research carried out by organisations such as Stonewall, Government Equalities Office etc
- ❖ Trade Unions
- ❖ Consultation with residents and customers
- ❖ Feedback or discussions with partner organisations

- ❖ Feedback and consultations from staff
- ❖ Benchmarking data
- ❖ Self- assessments and reports
- ❖ Performance reports

a. What does the ‘quantitative’ data tell you? Such as:

- ❖ The **number** of different protected groups accessing the service?
- ❖ Are there different **outcomes** for any particular groups accessing the service?
- ❖ Is there any unwanted adverse impact to any particular group/s
- ❖ Is there unlawful prohibited conduct? (discrimination, harassment, victimisation or a failure to make reasonable adjustments)
- ❖ Is there no impact? (no relationship between policy/service/function and people)
- ❖ Neutral impact (no noticeable harmful effects)

Protected Group	Findings
Age	No specific issues raised
Disability	No specific issues raised
Gender (Sex)	No specific issues raised
Gender reassignment	No specific issues raised
Marriage and civil partnership	No specific issues raised
Pregnancy and maternity	No specific issues raised
Race	No specific issues raised
Religion and belief including non-belief	No specific issues raised
Sexual orientation	No specific issues raised

Non-statutory protected group

Socio-economic	No specific issues raised
----------------	---------------------------

a. What does the qualitative data tell you, such as:

- ❖ Customer feedback
- ❖ Comments
- ❖ Complaints

- ❖ Discussions or meetings with stakeholder groups about the impact of the policy, practice, service or function on the protected characteristic groups (e.g. minutes of those meetings)

Protected Group	Findings
Age	No specific issues raised
Disability	No specific issues raised
Gender (Sex)	No specific issues raised
Gender reassignment	No specific issues raised
Marriage and civil partnership	No specific issues raised
Pregnancy and maternity	No specific issues raised
Race	No specific issues raised
Religion and belief including non-belief	No specific issues raised
Sexual orientation	No specific issues raised

Non-statutory protected group

Socio-economic	No specific issues raised
----------------	---------------------------

- b.** Are there any other groups of people who may experience an adverse impact because of the proposals to the change of policy or service who are not listed above?

No – will apply to all private tenants
--

c. Gaps in data

What are your main gaps in information and understanding of the impact of your changes to policy/function/service on customers? Please indicate whether you have identified ways of filling these gaps.

For instance you may have little or no data on sexual orientation and therefore you should propose to carry out some focused consultation with that specific community through their LGBT Forum (contact the Equality Policy Team for their details)

Gaps in data	Action to deal with this
NA	

Please remember to also record any **positive** impacts that may occur as a direct result of changing a services or a policy that further the three aims of the general duty:

- 1. eliminate discrimination**
- 2. advance equal opportunity**
- 3. foster good relations between groups**

An example of this could be that as a result of taking elderly people to local community centres for support services which can no longer be delivered in their homes, it has improved good relations between young and old people who now share the community centre.

d. Remember - It will be useful to produce a summary of information that captures the impacts and analysis on both quantitative and qualitative data. This summary of information should be displayed in a graphical format, using charts or graphs if possible. It will also provide an audit trail for how you have arrived at your findings.

Stage 6 - Mitigation and promotion

When considering whether there is a mitigating action which could be taken, you may wish to consider the following questions?

- ❖ Have you identified any adverse impact upon the different protected groups as a result of your policy/service which are either unlawful or unwanted?
- ❖ What are the ways you can implement your mitigating actions against those adverse impacts.
- ❖ Are there different ways of delivering the service?
- ❖ Could the service be promoted better with those under represented groups accessing your services?
- ❖ Could application forms and methods of requesting a service be improved or altered to make them easier for the public?
- ❖ If you cannot mitigate unlawful or adverse impact can you please explain why?
- ❖ What can you do to improve and promote equality of opportunity or good relations between different groups in your community as a direct result of your policy/function or service?

The key proposals are not intended or expected to discriminate or disadvantage any protected groups.

Stage 7 and 8 - Objectives setting/ implementation

Having finalised your findings and proposals for changes or improvement, you need to produce an action plan to demonstrate:

- ❖ What you plan to achieve (your objective)
- ❖ What you intend to do
- ❖ The methods you intend to use
- ❖ The timescale for carrying out actions
- ❖ How success will be monitored

The following action plan must be **SMART** and ensure that success can be measured, and include a way in which further action to deal with partial success can be implemented. The plan must be approved and agreed by senior equality steering groups or the equality programme board. By making the plan public it will also ensure where there are cases of different teams needing to carry out specific actions then this can be achieved, and that performance of others in delivering their part can be monitored.

<i>Objective</i>	<i>Planned action</i>	<i>Who</i>	<i>When</i>	<i>How will this be monitored?</i>
Implementation of agreed Private Housing Enforcement Policy 2018-22	As per agreed policy – procedures to be finalised	Private Housing (Environmental Health) Service	1 May 2018	Records kept on Civica
Implementation of agreed Fees & Charges Policy 2018-19	As per agreed policy – procedures to be finalised	Private Housing (Environmental Health) Service	1 May 2018	Records kept on Civica
Implement the HMO mandatory licensing changes	Process of applications and setting of license conditions	Private Housing (Environmental Health) Service	1 October 2018	Records kept on Civica
Develop and agree landlord accreditation scheme	Agree scheme conditions	City Manager N& H and Housing Portfolio Holder	1 October 2018	Records kept on Civica

Stage 9 - Monitoring and review/ mainstreaming into business plans

Please indicate whether any of your objectives have been added to service or business plans and your arrangements for monitoring and reviewing progress/ future impact?

N&H service area team plan

Stage 10 - Publishing the completed analysis

Completed analysis approved by

Where and when published?

N/A

Decision-making processes

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report (title): Private Housing Enforcement Policy 2018-22 and associated Fees & Charges Policy

Date of report: 23 April 2018

Author of report: Andrea Towse/Sue Roberts, neighbourhoods & Housing

Audience for report e.g. Cabinet: Cabinet

Outcome from report being considered

--

Details of follow-up action or monitoring of actions/ decision undertaken

--

Updated by:

Date: