

Equality Impact Assessment

Title:	Civil Penalties	
Version:	1	
Date of draft:	6 September 2017	
Date approved by Equalities Group	5 October 2017	

Section 1A: Overview

Name of Policy, Procedure, Practice, Strategy or Service:	Civil Penalties
Service, Group, Team:	Housing Service
Equality Assessment Lead Officer:	Steven Shanahan
Head of Service	Nick Thurstan

1B: Please state the intended outcomes of the policy	How will you know these have been achieved? <i>What performance monitoring is in place?</i>
<p>To implement powers to impose civil penalties in line with the Housing & Planning Act 2016</p>	<p>Numbers of civil penalties issued will be monitored and compared to the number of prosecutions and other enforcement methods to evaluate whether the use of civil penalties is more efficient and effective. The number of complaints will be reviewed regularly to see if civil penalties have influenced higher standards in private-sector housing.</p>

Section 2A: The policy. How will the policy/plan/strategy impact on residents, visitors, businesses or other agencies that we work with? *What work has been undertaken to advise these groups about the changes planned in the policy/plan/strategy?*

Landlords, some of whom may be affected by these changes, were invited to a local Landlord Conference which took place on 15 February 2017 and advised on the forthcoming changes.

There has been widespread national news published that relate to these changes.

The forthcoming changes were published on the [Dash services website](#) on 12 April 2017. The website covers Erewash as part of the East Midlands and is for the use of landlords in the region as well as practitioners. Nationally, it is available on the Gov.uk website as well as appearing on websites of landlords' representative bodies such as [Residential Landlords' Association](#) and the [National Landlords' Association](#).

2B: What needs is the policy/service designed to meet? *You could also refer to your current Service Plans and how the policy/service fits into EBC's Corporate Plan Priorities. How does the policy, procedure, practice, strategy or service align with Corporate Priorities*

The Housing Renewal Team ensures that housing standards are maintained in the private rented sector including houses in multiple occupation, tackles empty properties and deals with affordable warmth and home energy conservation

The council has been given a range of powers and duties and standards to uphold under Housing Act 1985 and Housing Act 2004 to which end it uses a range of powers to achieve from advice through to prosecution. Civil penalties have been added to this armoury by the Housing & Planning Act 2016

A civil penalty is a financial penalty imposed by a local housing authority on an individual landlord or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice;
- Offences in relation to licensing of Houses in Multiple Occupation;
- Offences in relation to licensing of houses under Part 3 of the Act;
- Offences of contravention of an overcrowding notice;
- Failure to comply with management regulations in respect of Houses in Multiple Occupation.

2C: Is the service provided subject to any element of outsourcing? *Is the service delivered in part, or in its entirety by an outside company or organisation? If challenged about a service delivered on our behalf you must show that the organisation meets the expectations with regard to equalities in its customer service and recruitment and retention of staff.*

No

Section 3A: Gathering Information

What equality monitoring information do you gather and how is this information used to develop services, functions and policies at the current time. *You could look at the take up of services, customer satisfaction (complaints and compliments) and enforcement action.*

Complaints (as opposed to “service requests”) are few for the service, although this may reflect low expectations of an often vulnerable client group. The service is planning to grow its data usage with the intention of understanding better where complaints come from in terms of which groups and where geographically in order to move more towards a risk-based approach to enforcement.

3B: What does available data and the results of any consultations show about the take up of services? What is the impact on different groups? (qualitative and quantitative). *You could look at previous community consultation exercises, customer reviews, census data, staff feedback etc. Does your consultation identify responses by protected characteristic or identify particular community and voluntary groups that you worked with.*

Remember: by law you are required to be able to demonstrate, through data analysis and evidence, that you have considered the impact of your service on **ALL** of the relevant protected groups. This document is just a short summary of this process and a tool to help you to check that you have taken the Equality Act 2010 and the Council’s equality objectives into consideration.

Civil penalties will affect landlords as a group rather than any specific protected group. There is no change to the current enforcement of housing law as these will be an alternative to the existing sanction of prosecution which should enable more to be done to the benefit of tenants as a whole. No protected group is expected to benefit any more than other group, given the council already has the power to prosecute for housing offences.

Section 4: Impact Assessment *Here you need to analyse the needs of different groups and the possible impacts the service may have on them. How is the policy or decision likely to affect the **promotion of equality** and the **elimination of discrimination** in each of the groups?*

Stake Holder Group	Is this group likely to be affected in a positive way?	In what way will they be affected?	Is this group likely to be affected in a negative way?	In what way will they be affected?
Age (older people, young people)	Yes	ENFORCEMENT – The use of civil penalties for serious housing offences will enable the council to take formal enforcement action against rogue landlords without having to go through the courts system, as this process is both costly and burdensome to the council.	Yes	Where a civil penalty is used there is an increased likelihood that landlords may increase rent fees for tenants to help pay for the civil penalty charge. This may impact on some of our most vulnerable residents.
People with Disabilities (Both physical and mental impairments)	No		No	
Gender (Women, Men, Transgender, Transsexuals)	No		No	
Race (Black, Asian, Minority Ethnic groups. Include people whose first language is not English)	No		No	
Sexual Orientation	No		No	

Religion and belief	No		No	
Dignity, Human Rights and Socio-economic disadvantage	No		No	
Marriage and Civil partnerships	No		No	
Pregnancy and maternity/paternity	No		No	

Section 5A: Actions How will you monitor the ongoing effect of the policy/strategy/plan?	When will this be undertaken?	Expected outcomes / performance measures	Which Corporate Plan aim will this action meet?
<p>Regular reviews of enforcement cases</p> <p>The Council will carefully consider any equality impact arising out of enforcement decisions and consider whether the approach proposed is a proportionate means of achieving a legitimate end. The Council will seek to mitigate any adverse equalities impacts where possible.</p>	<p>Both in case-study groups and at 1-1 meetings</p> <p>At EPDRs</p>	<p>Numbers of complaints</p> <p>Number of improvement notices</p> <p>Number of civil penalties</p> <p>Number of prosecutions</p> <p>Will develop metrics that relate to the overall reduction in hazards for the most vulnerable groups</p>	<p>Legal duties under Housing Act 2004</p> <p>Delivering efficient and effective services that residents need: Provide help and advice in partnership targeting those most in need and vulnerable</p>

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5B: If you have identified any negative impacts on any of the groups in section 4 how will you mitigate the effect?					
Negative impact	Action required to mitigate any potential negative impact	Outcome / performance measure	Lead Officer – who will the monitoring of this action be reported to?	Date that the monitoring will be undertaken, how often will it be done?	Which of the current Equality Objectives does this action meet? (State number *)
N/A					
N/A					
N/A					

*The objectives are:

- 1. Provide a welcoming and safe place for our communities, visitors and businesses which embraces equality and is free from discrimination.**
- 2. Provide relevant services that are free from discrimination and delivered in a way that is responsive and accessible.**
- 3. Understand and value the diversity of our communities through community engagement**

4. **Foster an accessible and inclusive working environment for all our staff and strive to achieve a workforce that is representative and diverse.**