

# Appendix 4 – Equality Impact Assessment - Private Sector Housing - Enforcement Policy

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**Section 1: Equality analysis details**

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Reviewed - Private Sector Housing - Enforcement Policy
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<b>Department</b>	Environment & Social Regeneration	<b>Division</b>	Regulatory Services
<b>Period analysis undertaken</b>	March 2021		

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## Section 2: Brief description of policy/decision/business plan

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### 1.1 Brief description of policy/decision/business plan

The Private Sector Housing Enforcement & Licensing Service sets out to ensure that legally compliant standards of housing conditions are maintained in privately owned residential property, including housing matters arising from privately owned land.

The service's functions include; the licensing and proper management of houses in multiple occupation (HMOs), the licensing and proper management of privately rented homes, enforcement of the housing, health and safety rating system, overcrowding, public health matters and associated/related provisions. The services functions reflect the Council's statutory duties and are in-line with the Council's corporate objectives and associated strategies.

This EIA covers - the Private Sector Housing - Enforcement Policy. This is a service specific policy that sits beneath the overarching Regulatory Services Enforcement. The purpose of the policy is to provide a consistent, correct, efficient and effective approach to making regulatory enforcement decisions. It also serves to communicate the policy of the Private Sector Housing Enforcement & Licensing Service towards addressing non-compliance with regard to the legislation that it enforces.

The Private Sector Housing Enforcement & Licensing Service uses a range of activities to ensure compliance with the legislation it enforces. These include:

- Site visits and inspections
- Acting on intelligence received
- Carrying out investigations
- Serving legal notices to effect a stop, a change, a restriction or an improvement
- Issuing financial penalties
- Giving formal warnings, conditional cautions and simple cautions
- Giving informal advice, including education & awareness programmes
- Prosecuting
- Licensing

The decision maker is Cabinet.

## Section 3: Overview of service users and key stakeholders to be consulted

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<b>2. Service users and stakeholders</b>	
<b>Key users of the department or service</b>	<p>The users and stakeholders are surmised to be:</p> <ul style="list-style-type: none"> <li>• Residents of Southwark regardless of tenure.</li> <li>• Property Managing Agents</li> <li>• Landlords (freeholders and leaseholders)</li> <li>• Tenants of private sector housing</li> <li>• Business owners and managers in its widest sense.</li> <li>• Partner Enforcement Agencies, e.g. blue light services, HMRC, Immigration Services, etc.</li> <li>• Charitable and other advice services, e.g. Citizens Advice Bureau (CAB), the Leasehold Advisory Service (LEASE), etc.</li> <li>• Internal support Services, e.g. Legal services</li> </ul>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>Officers of:</p> <ul style="list-style-type: none"> <li>• Private Sector Housing Enforcement</li> <li>• London Fire Brigade</li> <li>• Trading Standards</li> <li>• Finance &amp; Governance</li> <li>• Legal Services</li> </ul>

**Section 4:** Pre-implementation equality analysis

<b>Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</b>
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p> <p>In general enforcement action carried out by the Private Sector Housing Enforcement &amp; Licensing Service is age neutral and would not specifically target any particular age group. Enforcement action is always taken against adults.</p> <p>Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.</p> <p>Specifically, elderly persons and persons under 16 are taken into account when forming a risk assessment of property. If either is present, a higher risk level may be awarded on the basis of vulnerability.</p> <p>No evidence or data to suggest that the Policy would have any negative impacts on people in relation to their age.</p>

<b>Equality information on which above analysis is based</b>
Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.
<b>Mitigating actions to be taken</b>
N/A

<b>Disability</b> - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
<p>In general enforcement action carried out by the Private Sector Housing Enforcement &amp; Licensing Service is neutral to disability.</p> <p>Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.</p> <p>Some enforcement activity is directly targeted at ensuring facilities provided for person with disabilities are protected. An example of this would be Licensing which takes into consideration whether any occupants of a licensable property would be considered vulnerable, whether in terms of disability, age, etc. This is to ensure that no works asked for or conditions applied to the licence will have an adverse impact on persons with disabilities, e.g. creating a means of escape that may adversely affect someone with a disability to evacuate safely.</p> <p>However, powers to address premises that are hoarded or filthy and verminous can be directed at persons with a mental health disability. These powers seek to reduce the risk the hoarding and build ups have on the occupants and their neighbours.</p> <p>it might be that a person with a disability is the recipient of enforcement action, this could be a physical, e.g. blindness or mental disability, e.g. someone with limited mental capacity.</p> <p>The overarching Regulatory Services Policy recognises and addresses the use of enforcement against persons with disability and has developed a protocol that</p>

directly addresses the management of enforcement action for vulnerable people. This protocol will be used in all instances where action taken directly impacts someone with a disability.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

[What is hoarding? | Mind](#)

[Regulators' Code - GOV.UK \(www.gov.uk\)](#)

**Mitigating actions to be taken**

Actions:

- Information, including the Policy will be made available in an accessible format online.
- Where required the Policy or correspondence and enforcement actions taken can be made available in appropriate formats, e.g. braille, etc.
- Action taken to deal with hoarding or filthy and verminous premises by the Private Sector Housing Enforcement & Licensing Service will be done in line with the Management of Enforcement Action for Vulnerable People Protocol.
- This Policy will underpin enforcement activity and all officers will be trained on it and will be expected to refer to it in relation to their duties.

**Gender reassignment** - The process of transitioning from one gender to another.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action carried out by the Council is neutral to gender reassignment.

However, when enforcement action is taken or licences issued, it is incumbent on the Private Sector Housing Enforcement & Licensing Service to ensure that the official documents, such as enforcement Notices, a licence, are correctly addressed to the correct person. This can have an unwanted impact on people that are undergoing gender reassignment. An example of this would be someone who has yet to have their official documentation, such as passport details, property ownership details, changed. The Private Sector Housing Enforcement & Licensing Service would be legally required to address the document to the person named on official documentation.

It may also be the case that someone who has undergone gender reassignment and has had their official documentation changed and request that certain

documentation be updated to reflect this, e.g. a change in name.

**Equality information on which above analysis is based.**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data..

**Mitigating actions to be taken**

Actions:

Where an investigation discovers or the relevant person informs us, that the name given and the name on official documentation differs and the difference relates to gender reassignment then:

- Officers will deal with the matter sensitively and with compassion, whilst clearly explaining why only the official name can be used for certain legal documentation.
- Where it is possible to do so other correspondence will use the name given by the person.

Where an individual having undergone gender reassignment requests that certain documentation be changed to reflect their name, and it is in the Council's power do so, we will:

- Deal with the matter sensitively and with compassion.
- Explain how the process will handled and what the person can expect to happen.
- Change the documentation and provide the changed documents to the individual and where necessary notify other relevant parties of the change.

Officers will be trained on what the Council expects them of them in these situations.

**Marriage and Civil Partnership** - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

No evidence or data to suggest that the Policy would have any marriage/civil partnership related impact or related employment issues for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

N/A

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

Specifically, licensing and enforcement of housing conditions will take into consideration whether any occupants would be considered vulnerable and take measures to mitigate the risks to health and safety. Specific risks to this group would be personal hygiene, food safety and slips, trips and falls.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

N/A

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

Southwark has diverse communities and cultures. There is therefore a strong likelihood that there will be issues around understanding of legislation, language barrier, etc. where someone's first language is not English.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

Actions:

- We will continue to ensure translation/interpretation services are available where needed.
- We will ensure that web content s accessible, consistent and in plain English.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data..

**Mitigating actions to be taken**

N/A

**Sex** - A man or a woman.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

N/A

**Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

N/A

**Human Rights**

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, nuisance minimised, property licensed, rental businesses are compliant, etc.

Southwark is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence. For clarity and transparency this is directly referenced in the overarching Regulatory Services Enforcement Policy.

No evidence or data to suggest that the Policy would have any negative impacts.

**Information on which above analysis is based**

The Human Rights Act, Census Data, MHCLG data, Anecdotal evidence, Regulators Code, Housing Act 2004 HHSRS data.

**Mitigating actions to be taken**

N/A

## Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			2022/23	2024/25
Monitoring equality outcomes from the work of Regulatory Services Division	Private Sector Housing Enforcement & Licensing Unit Manager	None	Ongoing data collection	Ongoing data collection
Reporting on outcomes of monitoring at the Divisional Department Meetings on a quarterly basis.	Private Sector Housing Enforcement & Licensing Unit Manager	None	Ongoing Quarterly Reporting	Ongoing Quarterly Reporting
Action planning as required	Private Sector Housing Enforcement & Licensing Unit Manager	None	As required from monitoring and reporting	As required from monitoring and reporting