



Implementing Civil Penalties in the Private Rented Sector –

Equality analysis

December 2018

Appendix 2

Section 1: Equality analysis details

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| Proposed policy/decision/business plan to which this equality analysis relates | | Implementing Civil Penalty Notices in the Private Rented Sector | |
| Equality analysis author | Emma Trott, Private Sector Housing Enforcement Unit Manager | | |
| Strategic Director: | Ian Smith | | |
| Department | Environment & Social Regeneration | Division | Regulatory Services |
| Period analysis undertaken | November 2018 | | |

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

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| 1.1 Brief description of policy/decision/business plan |
| <p>The council seeks to implement an enforcement policy for Civil Penalties under the Housing and Planning Act 2016 and prosecution for offences under the Housing Act 2004.</p> <p>The decision maker is the Cabinet Member for Finance, Performance and Brexit.</p> |

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

2. Service users and stakeholders

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| <p>Key users of the department or service</p> | <p>The PRS provides accommodation for roughly one quarter of the residents of Southwark. Over 30,000 residents live in privately rented dwellings.</p> <p>The types of tenants who occupy properties in the private rented sector can range from the poorest and most vulnerable in our society to students, young professionals and families.</p> <p>It is estimated that there are over 5,000 private sector landlords operating in Southwark. These are important recipients of our services. There is a willingness on the parts of most landlords to comply with basic health and safety requirements. A number of landlords do not comply with these requirements for a number of reasons; lack of incentive, knowledge and so many resources to refer to often means that they are unaware of their responsibilities. These landlords usually comply once they have been made aware of their responsibilities either informally or by the service of a formal notice. There are, however a number of landlords operating in the borough who refuse to comply with informal and formal requests and a higher level of enforcement action is required. Currently this formal action is prosecution however the Housing and Planning Act 2016 has brought in a number of different measures including Civil Penalties for non-compliance.</p> <p>Monitoring data collated indicates there are a number of key characteristics of clients using the services. Clients comprise of the tenants occupying properties within the private rented sector and benefitting from enforcement action taken by the service to improve the condition and management of the properties.</p> <p>Approximately 72 per cent are from black and minority ethnic (BME) communities. This is significantly higher than the proportion of Southwark residents from these communities, which is closer to 50 per cent according to 2011 Census data. This level of take-up by BME communities is clearly a key factor when considering how best to commission services able to meet their needs.</p> <p>In terms of service users 3,569 out of a total of 27,696 within a one year period reported having a disability. This indicates a significant level of need relating to ill-health and disability.</p> |
| <p>Key stakeholders were/are involved in this policy/decision/business plan</p> | |

Section 4: Pre-implementation equality analysis

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| 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). |
| Potential impacts (positive and negative) of proposed policy/decision/business plan |
| The private sector houses the full range of age groups. Families with small children and older people who reside in private rented accommodation can have very low incomes and other disadvantages, for example education and language barriers so their ability to mitigate problems is more limited. The conditions in this market in Southwark stretch from the exclusive accommodation provided in the north of the borough to the very lowest end of the rental market. |
| Equality information on which above analysis is based |
| Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data |
| Mitigating actions to be taken |
| None |

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| Disability - 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. |
| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| Tenants with disabilities or medical conditions are usually more vulnerable to certain hazards. For example facilities such as adequate hot water and heating are essential and can cause serious issues if not available for just a short period of time. Effective enforcement of standards helps to ensure these tenants homes are suitable for them to occupy without affecting their health safety and welfare. |

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| Equality information on which above analysis is based |
| Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data (vulnerable groups), Decent Homes Standard 2006 |
| Mitigating actions to be taken |
| none |

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| Gender reassignment - The process of transitioning from one gender to another. |
| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| No specific impacts have been identified or raised in relation to this. |
| Equality information on which above analysis is based. |
| N/a |
| Mitigating actions to be taken |
| None |

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| 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 favourably 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 |
| No specific impacts have been identified or raised in relation to this. |

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| Equality information on which above analysis is based |
| N/a |
| Mitigating actions to be taken |
| None |

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 unfavourably because she is breastfeeding.

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

In general more people are raising their families in the PRS as the supply of social housing is restricted and property ownership becomes less affordable. Therefore more children are being affected by PRS issues. Pregnant women, new mothers and their babies are more vulnerable to certain hazards and require a higher level of self care and cleanliness in the home. Effective enforcement of standards helps to ensure these tenants homes are suitable for them to occupy without affecting their health safety and welfare.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

None

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

There are reported problems with ethnicity and access to PRS lettings. It is also the case that new communities form in Southwark over time. These communities are often exposed to the poorest accommodation as they seek to gain a foothold in the wider community. Effective enforcement of standards helps to ensure all tenants homes are suitable for them to occupy without affecting their health safety and welfare.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

none

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

There is no available evidence of disadvantage arising from religion and belief in HMO's in the PRS.

Equality information on which above analysis is based

N/a

Mitigating actions to be taken

None

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| Sex - A man or a woman. |
| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| There is no available evidence of disadvantage arising from a persons sex in HMO's in the PRS. |
| Equality information on which above analysis is based |
| Organisations' equality & diversity policies Monitoring data collected Monitoring information from other programmes e.g. Community Capacity programme Feedback from stakeholders Analysis of impacts of Welfare Reform (Southwark Council, Corporate Strategy unit) |
| Mitigating actions to be taken |
| None |

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| 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 |
| There is no available evidence of disadvantage arising from sexual orientation in HMO's in the PRS. |
| Equality information on which above analysis is based |
| N/a |
| Mitigating actions to be taken |
| None |

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| 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 |
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| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| Effective enforcement of standards helps to ensure all tenants homes are suitable for them to occupy without affecting their health safety and welfare, an improved private rented sector and in particular the right to life. |
| Information on which above analysis is based |
| The Human Rights Act, Housing Act 2004 HHSRS |
| Mitigating actions to be taken |
| None |

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 |
|--------|----------------------|--------|-----------|
| 1 | .N/A | .N/A | .N/A |

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 | |
|-----------------------|--------------|--------------------------------|---------|---------|
| | | | 2019/20 | 2020/21 |
| .N/A | N/A | N/A | N/A | N/A |
