

Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM: The adoption of civil penalties as an enforcement option for specified offences under the Housing Act 2004, introduced within the Housing and Planning Act 2016.

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Department: Community Protection

Director: Andrew Errington

Service Area: Safer Housing

Author (assigned to Covalent): Lorraine Raynor, Chief Environmental Health and Safer Housing Officer

Brief description of proposal / policy / service being assessed:

A number of landlords and property agents in Nottingham exploit tenants by letting out unsuitable and/or dangerous properties that can impact upon quality of life for tenants and the wider community.

In April 2017 the Government introduced civil penalties a new discretionary enforcement measure contained within the Housing and Planning Act 2016 to deal with specified housing offences contained within the Housing Act 2004. The council is proposing to adopt this new enforcement measure to enable the council to take swifter action against rogue landlords and property agents who commit specified serious housing offences.

It is believed that the adoption of civil penalties will expand upon the current robust use of staged enforcement powers by enabling the council to take cost-effective and proportionate enforcement action against landlords and property agents for specified housing offences. In addition the funding raised through civil penalties will be specifically used to further the council's enforcement activities covering the local private rented sector (PRS).

Overall it is thought that this new enforcement tool will help to further drive up housing standards across Nottingham's PRS and better protect tenants; a key commitment contained within the Council Plan 2015 to 2019.

For further information on the council's housing enforcement procedures and proposed use of civil penalties please see the attached proposed Nottingham City Council (NCC) Housing Enforcement Guidance and Civil Penalties Enforcement Guidance documents. Statutory guidance issued by the Department for Communities and Local Government on the use of civil penalties is also attached to this decision.

Information used to analyse the effects on equality:

- 1) There are currently no datasets that provide full coverage of the characteristics of landlords and tenants within the city's PRS.
- 2) Ethnicity breakdowns for landlords have been obtained from the council's current Additional Licensing Scheme for Houses in Multiple Occupancy (HiMO). It is acknowledged that landlords of Asian ethnicity are over-represented within this dataset. In 2016 47% of landlords who disclosed their ethnicity as part of the Nottingham HiMO Additional Licensing Scheme declared they were of Asian heritage. 62% of this group identified as Asian/Asian British Pakistani. **Note:** This dataset is not fully representative of Nottingham's current PRS landlord population.
- 3) Census (2011) has been used to identify ethnic group numbers across Nottingham. The 2011 Census identified that 13.1% of Nottingham's population were of Asian/Asian British ethnicity.
- 4) Data obtained from the Further Integrated Housing Stock Modelling Database for Nottingham City Council and Census (2011) have been used to highlight the correlation between the number of black and minority ethnic residents and migrants in areas with higher numbers of private rented housing stock across Nottingham.

Could particularly benefit
X

May adversely impact
X

How different groups could be affected
(Summary of impacts)

Details of actions to reduce negative or increase positive impact
(or why action isn't possible)

People from different ethnic groups.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Men	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Women	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). <i>Please underline the group(s) /issue more adversely affected or which benefits.</i>	<input type="checkbox"/>	<input type="checkbox"/>

1. POSITIVE IMPACT

The adoption of civil penalties will have a positive impact upon all groups.

i) 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.

It is believed that during the short term, following the proposed introduction of civil penalties, the overall frequency of formal enforcement actions against rogue landlords will increase. This will have a significant positive impact for tenants as more rogue landlords will be removed from Nottingham's PRS.

It is hoped that in the medium to long term, through the continued and appropriate use of civil penalties, landlords will be deterred from committing serious housing offences. This will result in the reduction of formal enforcement actions needed to be taken against landlords.

2. ADVERSE IMPACT

LANDLORDS

People from different ethnic groups.

i) POLICY - The Nottingham PRS Enforcement Guidance outlines the Safer Housing and Licensing & Compliance teams' proposed approach to the issuing of civil penalties in line with alternative enforcement measures.

This policy will apply to all landlords in

NCC will actively promote the successful use of civil penalties through local media outlets to increase their deterrence effect and reinforce the social norm against poor landlord practices.

The publication of both policies outlined above will raise awareness of the proposed use of civil penalties, build public trust in the proposed enforcement procedures and enable a sufficient deterrence effect amongst landlords with poor standards of accommodation.

			<p>the NCC local authority area. Any landlord who has committed a relevant housing offence, in accordance with the Housing Enforcement Guidance, will be subject to a civil penalty.</p> <p>ii) POLICY - Nottingham City Council's method for calculating the level of civil penalty is outlined in the proposed Civil Penalties Enforcement Guidance document in accordance with statutory guidance.</p> <p>A series of mandatory considerations will be made for determining the appropriate penalty band for each landlord, e.g., seriousness of harm and finances of the landlord. This is outlined in the council's guidance document attached.</p> <p>Landlords that qualify for a civil penalty will have the right to make a representation against a civil penalty when initially issued with a 'Notice of Intent' and at the Final-Tier Tribunal. This is included within the Government's mandatory guidance.</p> <p>iii) ENGAGEMENT – There is no statutory requirement to consult on the proposed changes.</p> <p>Nottingham City Council will continue to provide general information, advice and guidance to all landlords to ensure relevant enforcement changes are understood.</p> <p>iv) TRAINING - Training will be conducted to reduce any potential unconscious bias during enforcement procedures.</p>	<p>Both enforcement policies will be published on the council's housing website - subject to approval.</p> <p>Proactive communications activity is planned in the lead to the new powers coming into force (Late August/Early September 2017), to publicise the proposed adoption of civil penalties. This will include communications through local community radio stations.</p> <p>The Safer Housing and Licensing & Compliance teams' officers continue to undertake equality and diversity training to ensure enforcement duties are carried out with full regard to the council's Equality and Diversity Policy. Council officers within the Safer Housing</p>
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			<p>3. ADVERSE IMPACT</p> <p>TENANTS</p> <p>People from different ethnic groups.</p> <p>i) SUPPORT - 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.</p> <p>Similarly there is an increased likelihood for landlords to leave the PRS market as a result of having to pay for a civil penalty charge. This could lead to a potential increase in tenant evictions.</p> <p>ii) ENGAGEMENT – Potential for some tenants to not be aware of their housing rights within the PRS.</p>	<p>and Licensing & Compliance teams will have new training on the imposition of civil penalties to ensure consistency of enforcement in accordance with the civil penalties guidance attached.</p> <p>Nottingham City Council will continue to work with Nottinghamshire Police and broader partners to identify vulnerable tenants and provide relevant multi-agency support where necessary to prevent and identify illegal eviction, overcrowding and all other forms of exploitation in the PRS.</p> <p>The Council continue to deliver the Nottingham Private Rented Assistance Scheme (NPRAS) in order to prevent homelessness.</p> <p>The Council continues to support the Nottingham UNIPOL and Decent and Safe Homes (DASH) organisations to deliver the Nottingham Standard Accreditation Scheme. This voluntary scheme helps tenants avoid poorly managed housing by setting a minimum standard for PRS management for student and non-student homes.</p> <p>Nottingham City Council and wider partners, e.g., local universities, continue to hold regular engagement events across Nottingham to ensure tenants are aware of their legal housing rights.</p>
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Outcome(s) of equality impact assessment:

- No major change needed •Adjust the policy/proposal •Adverse impact but continue
- Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

The proposed Nottingham City Council Housing Enforcement Guidance and associated documents will be reviewed and amended in accordance with any changes to legislation or official guidance. Where no other changes occur, a review of the policy will take place annually in conjunction with the relevant Portfolio Holder and Director for Community Protection.

Approved by (manager signature):

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Date sent to equality team for publishing:

Send document or link to:
equalityanddiversityteam@nottinghamcity.gov.uk
20/06/2017

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.