

Equality Impact Assessment

Introduction

The purpose of an Equality Impact Assessment (EQIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality, where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EQIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 and the impact on people of as well on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EQIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups, and consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EQIA should be used to inform the proposal/ recommended decision, leading to changes being made as a result of the assessment where required. Any ongoing/ future mitigating actions required should set out in the action plan at the end of the form.

The completed EQIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EQIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

Section 1 – Equality Analysis Details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Private Rented Sector Housing Enforcement Policy
Team/ Department	Regulatory Services / Place
Lead officer(s) name(s) and contact details	Martin Rattigan Martin.rattigan@enfield.gov.uk
Project sponsor	Sue McDaid
Date of EQIA completion	23 July 2020

Section 2 – Summary of Proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?

What are the reasons for the decision or change?

What outcomes are you hoping to achieve from this change?

Who will be impacted by the project or change - staff, service users, or the wider community?

Local authorities are required by the Regulator's Code to publish a clear enforcement policy, explaining how they respond to non-compliance. Having a private rented sector enforcement policy sets out the Council's staged approach to dealing with non-compliance and breaches of housing legislation in the privately rented property sector and is in line with Enfield Enforcement Policy approved in 2016.

The purpose of this policy is to give guidance to officers and outline the Council's approach to housing enforcement in relation to private rented housing. The policy outlines the extent to which the Council will intervene to make use of the powers in Parts 1 to 4 of the Housing Act 2004 (The Act), (and Housing Act 1985 where applicable).

The policy also sets out what owners, landlords, their agents and tenants of private rented sector properties can expect from officers. This policy is consistent with the aims and objectives of the Council's Plan 2018-2022: Creating a lifetime of opportunities in Enfield and Enfield's Housing and Growth Strategy 2020 – 2030: 'More and Better Homes for Enfield'.

All investigations and enforcement action will be conducted having regard to this Housing Enforcement Policy and the Council's overarching Enforcement Policy, and statutory guidance. The Council wants to work with responsible landlords to help them to raise housing standards, reduce the factors that make deprivation worse and deal with anti-social behaviour in their properties. The Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation. It is the Council's preference that landlords are first given the opportunity, wherever possible, to investigate any reported problems at their properties. The Council expects responsible owners to undertake necessary repairs and improvements without the need for the Council to instigate formal action.

Officers will seek compliance with legislation through a combination of informal and formal actions, but these are not prescriptive and will be subject to the individual circumstances presenting at the time. This will be a staged approach with formal action being the last or only option. In some cases, formal action is prescribed by legislation and consideration must also be given to any statutory guidance. When a formal enforcement option is taken the Act requires a formal statement of reasons to be given saying why that option was chosen. Where possible the Council will seek the views of the landlord or owner and current occupier before deciding on which enforcement option to take.

The intended outcome is to ensure there is a provision of good quality, healthy housing and to prioritise action to those homes which present the greatest risks to Health and Safety. In addition to ensure that Houses in Multiple Occupation are safe and well managed, and all relevant Management Regulations are adhered to.

Section 3 – Equality Analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

The improvement of Housing Standards in the Private Sector in line with the Enforcement Policy should impact positively on all age groups, the elderly and the families with young children who may be more vulnerable to hazards under the Housing Health and Safety Rating System (HHSRS). Families with children account for a third of the increase in private rented sector households in the past decade. According to official HMRC statistics, as of 31st August 2013, 24.9% of all dependent children under the age of 20 in Enfield are in low-income families. The definition of 'low income' in this case is receiving 60% or less of median income. Of children aged under 16, this proportion rises to 25.5%, or 21,135 children. Of these, the majority are in families where the adults are receiving Income Support, Job Seekers Allowance or Child Tax Credit only. Enforcement of the HHSRS standards is designed to protect vulnerable groups, which can be generally applied to the 0-5's and over 60 years of age. A landlord who has limited income may be relying on a property let for say retirement income purposes and any improvements sought in the property could impact negatively on their savings. Any further monetary sanction could have a negative impact on their earnings. However, this is not an excuse for non-compliance with the relevant legislation by putting people's lives at risk.

Mitigating actions to be taken

In the event of hardship, the Council may carry out works in default for failing to comply with a Notice and place a charge on the property to be recouped when the property is transferred to someone else or sold. Where a monetary sanction is imposed, and there is demonstrable financial hardship we will consider payment of any penalties in instalments.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include:

Physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

Any enforcement action taken should have a positive impact for residents who may be vulnerable as a result of a physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments through the improvement of Housing Standards in line with the enforcement policy where required. Some anticipated indirect improvements to health through improved accommodation conditions such as a reduction in overcrowding and seeking minimum standards of health and safety by compliance with the Housing, Health and Safety Rating Scheme (HHSRS), should be gained if enforcement action is necessary. Any course of action taken should have positive impacts on people's health outcomes by tackling excess cold, dampness and other factors which cause detriment to quality of life.

Enforcement action by the Council resulting in the withdrawal of a licence after it was issued could have a negative impact if the licensee (landlord) is no longer considered a 'fit and proper' person. When granting a licence, the council must consider whether the landlord is a 'fit and proper' person (Section 89 Housing Act 2004). One of the considerations relates to convictions relating to drugs.

Mitigating actions to be taken

The Council recognises that each case is unique and will be considered on its own merits when seeking compliance and taking any enforcement action in accordance with the policy.

Where the Council seeks to use enforcement action to revoke a licence, the landlord has the right to appeal against this decision under the Act.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

The enforcement policy will be applied proportionally to all with neutral impact on this protected characteristic.

Mitigating actions to be taken

None considered necessary.

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected

The enforcement policy will be applied proportionally to all with neutral impact on this protected characteristic.

Mitigating actions to be taken

None considered necessary.

Pregnancy and maternity

Pregnancy refers to 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.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected

Any enforcement action will be proportional and where improvements are sought in living conditions, lack of privacy and security, these should have a positive impact on pregnancy and maternity.

Mitigating actions to be taken

None considered necessary.

Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected

Enforcement if necessary, will apply to all private sector properties irrespective of the demographics of the property owner.

Mitigating actions to be taken

We will signpost persons to sources of translation if there are language difficulties as needed.

Religion and belief

Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). 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.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

The enforcement policy will be applied proportionally to all with neutral impact on this protected characteristic. Enforcement is based on housing standards and not religion or beliefs.

Mitigating actions to be taken

No action considered necessary.

Sex

Sex refers to whether you are a man or woman.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on men or women?

Please provide evidence to explain why this group may be particularly affected.

No impact foreseen.

Mitigating actions to be taken

No action considered necessary.

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

The Gay, Lesbian, and Transgender (LGBT) landlord community population in Enfield may choose not to disclose their sexual orientation so it is always difficult to get accurate figures. As any enforcement is based on legislation and applied proportionally. Any enforcement action is likely to benefit tenants who suffer homophobic crime and incidents.

Mitigating actions to be taken

No action required necessary.

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

There are high concentrations of private rented properties within the most deprived wards in the borough. There should be a positive impact by improving the local environment, housing conditions and tenant behaviour through the enforcement using this policy. Enforcement action may be higher in these areas, which would have a negative impact on landlords. Some landlords may leave the private rented market. This could result in evictions and homelessness which could have an

adverse effect on some groups with protected characteristics.

Mitigating actions to be taken.

Promotion of benefits to landlords through an advice and information service aimed at improving the properties offered for rent. It should also benefit landlords through reputational improvements to their profession within the borough and improved property conditions and reductions in ASB will help to increase their property investment.

There is some protection for assured shorthold tenants in that a Section 21 Notice (of seeking possession of the property) cannot be used by the landlord where a property is subject to licensing but has not been licensed. We will work closely with the homelessness reduction team to ensure that tenants are assisted and protected if at risk of redundancy.

Section 4 – Monitoring and Review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

The Enforcement policy will be reviewed in 5 years' time or sooner if needed.

Any enforcement action will have regard to the policy and any change in legislation or case law may require us to change the policy during this period. The Head of Service, Tina Fasi, will have an overview of all formal action taken and will be responsible for assessing the effects of the policy and its outcome.

It is not possible to collect the equality profile of each enforcement action.

We will monitor outcomes for residents by recording the number of enforcement actions and the outcomes.

Section 5 – Action Plan for Mitigating Actions.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
Lack of resources by the landlord to comply with the action required.	Works in default procedure	Martin Rattigan	By 31/8/20	N/A	Drafted 24/8/2020
Right to appeal enforcement action taken	Appeal process in the legislation	Tina Fasi	31/8/20	N/A	Completed, notice procedure in place and appeal notes are send with the notices.
Data on effectiveness of any enforcement action.	We will monitor outcomes for residents by recording the number of enforcement actions and the outcomes.	Tina Fasi	Yearly reports	N/A	Data collection for statutory returns.