

## Appendix 3

### Equalities Impact assessment:

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e. have due regard to:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
  - Factsheet 1: Equality Profile of the Epping Forest District
  - Factsheet 2: Sources of information about equality protected characteristics
  - Factsheet 3: Glossary of equality related terms
  - Factsheet 4: Common misunderstandings about the Equality Duty
  - Factsheet 5: Frequently asked questions
  - Factsheet 6: Reporting equality analysis to a committee or other decision making body

## Section 1: Identifying details

Your function, service area and team: Private Sector Housing Enforcement, Private Sector Housing Team, Communities Directorate

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Enforcement and Service Standards: Private Housing; Updating Fees and Charges Schedule to reflect new HMO licence fees and charging for works in default

Officer completing the EqlA: Tel: 01992 564149 Email: sdevine@eppingforestdc.gov.uk

Date of completing the assessment: 30.4.2018

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?  This is a new Enforcement and Service Standards document for Private Housing to sit under the Council's existing Private Sector Housing Enforcement Policy and includes, attached as an appendix, financial penalty notice matrix to be used in the issuing of civil penalties for certain Housing Act related offences  The proposed HMO Licence Fees for new applications and renewals is a revision of an existing document</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):  To explain more specifically, within the framework of the Private Sector Housing Enforcement Policy, the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action. It also includes new enforcement options available to officers as a result of recently introduced legislation that has extended the scope of powers to the Council for dealing with non-compliant landlords and substandard properties. Additionally, request is being sought to revise the fees for HMO licensing following the extension in scope of properties falling within the new licensing regime</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)?  The impact of these recommendations will directly penalise the worst landlords and are designed to bring about behavior change in the larger landlord population to increase housing standards. The compliant landlords who provide well managed and safe rented properties for tenants should in fact benefit as the rogue landlords lose their competitive advantage.  The extension in scope of HMO licensing will allow officers to be made aware of high risk dwellings, previously not known about allowing action to be taken to ensure conditions are safe for occupiers</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>The decision affects individuals and families living in private rented accommodation and private landlords; HMO licensing relates affects more specifically, landlords operating and tenants living in HMOs</p> <p>Will the policy or decision influence how organisations operate?  Yes.  The use of the new enforcement powers means that bad landlords that flout the law will be heavily penalised and that the worst, criminal landlords will be put out of business not just in Epping Forest District but the country as a whole. The use of the Rogue Landlord database will mean that local authorities can be alerted to and share information about poor and criminal landlords so that they can enforce more effectively. The new Enforcement and Service Standards, incorporating the powers introduced under the Housing and Planning Act 2016 should ultimately benefit and promote the good professional landlords and raise standards generally in the private rented sector  The introduction of mandatory HMO licensing brings more properties into the scope of licensing and will affect a larger number of landlords. The proposed fee structure is designed based on identified risks and the time spent by officers dealing with a property; the poor landlords are penalised and the good landlords are rewarded with the overall objective of encouraging landlords to comply with the law and operate safe well managed HMOs.</p>

2.4	<p>Will the policy or decision involve substantial changes in resources? No change in existing resources is anticipated</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The Council's Housing Strategy includes a chapter 'Housing in the Private Sector' and one of the objectives within it is to 'take action to ensure that the condition of the privately rented accommodation meets the standards required by legislation and good practice.' The Private Sector Housing Enforcement Policy sets out the Council's approach to ensuring minimum standards are met where enforcement action is considered appropriate. The new Enforcement and Service Standards: Private Housing explains in more detail the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action</p>

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified? The groups that will be affected by the Enforcement and Service Standards will be individuals and families who rent properties in the private sector and landlords who let their properties to them. The 2011 House Condition Survey for Epping Forest reported that the number of private rented properties on the district totalled 7,750 representing 15% of the private sector stock. There are 42,820 households representing 6423 household living in rented accommodation on the District. The survey report also suggests that in 2011, 1,880 rented properties had at least one category 1 hazard (24.3%); 1060 were in need of repair (13.7%); 130 lacked modern facilities (1.7%); and 2,940 (37.9%) had poor thermal comfort. This gives an indication of the need for and potential effect the Enforcement and Service Standards will have on improving living conditions for tenants in the private rented sector.</p> <p>The Housing Health and Safety Rating System (HHSRS) Operating Guidance identifies 29 hazards associated with property defects and assesses the likelihood and extent of harm to the 'vulnerable' group for each potential hazard. The vulnerable group for HHSRS purposes is based on Age (only). This Guidance (2006) forms the basis of setting and enforcing property standards throughout the country including the proposed Enforcement Standards for Epping and is supported by extensive health related (including psychological) research and statistics obtained nationally. The HHSRS identifies the age characteristic most at harm as a result of a particular defect e.g. &gt;65 year olds for excess cold; &gt;60 years falls on stairs; &gt;60 years for fire related incidents, &lt;5 years for falls between levels, &lt;14 years for damp and mould. The Epping Forest House Condition Survey 2011 indicates that the District has an ageing population with higher rates of heads of household aged 65 and over than that found nationally (30.0% c.f. 25.1%). The 'Impact of an ageing population study Epping Forest District' anticipates that between 2015 and 2025 the number of over 65s in Epping Forest will increase from 25,400 to 30,000 and over 50's -64's, from around 24,200 to 27,400.</p>
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	<p>Fuel poverty can be an issue for those with protected characteristics especially those based in rural areas with hard to treat properties and this can have a detrimental impact on both physical and mental wellbeing.</p> <p>There is an acute housing shortage nationally and locally and more households are choosing to live in HMOs as the only affordable and available solution. These properties are often in the poorest condition and there are additional risks associated with shared living especially for young families. The extension of HMO licensing will have a positive impact on regularising this area of the housing market and ensuring that at least minimum standards are met to provide safe, properly managed properties.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>No consultation has been carried out. The Enforcement and Service Standards relate to powers directed by Central Government for the Council to impose in order to protect residents on the District. The Service standards explain how officers will provide this service within the remit of these powers.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Extensive national consultation has already been undertaken by the DCLG (links to documents above) on measures to deal with rogue landlords who rent out unsafe, overcrowded and badly managed properties on which this Council has also contributed to. There is no obligation to carry out a local consultation.</p>

## Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	<p>Positive: The evidence indicates that older people are most susceptible to hazards in the home due to excess cold, excess heat, falls, fire related incidents and CO poisoning. Young children are most susceptible to collisions, cuts and strains, electrical incidents, falls and illnesses from poor hygiene and sanitation. The enforcement tools embedded within the Enforcement and Service Standards document will have a positive impact on the vulnerable groups by ensuring that landlords improve property conditions to remove significant risks and reduce the likelihood of harm outcomes.</p>	M
Disability	<p>Positive: The introduction of the new Energy Efficiency Regulations within the Enforcement and Service Standards will allow enforcement of substandard properties that are expensive to run and are more likely to have an excess cold hazard. Cold living conditions are particularly detrimental to disabled people (and older people) with poor mobility or other ill health such as poor heart condition.</p>	M
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		
Race		
Religion/belief		
Sexual orientation		
General	<p>Positive: this is relevant to all tenants including all tenants in the above groups</p> <p>1. The Marmot Review into The Health Impacts of Cold Homes and Fuel Poverty (2011) identified that:</p> <ul style="list-style-type: none"> <li>• Mental health is negatively affected by fuel poverty and cold housing for any age group.</li> </ul>	M

	<ul style="list-style-type: none"> <li>• More than 1 in 4 adolescents living in cold housing are at risk of multiple mental health problems compared to 1 in 20 adolescents who have always lived in warm housing.</li> <li>• Cold housing increases the level of minor illnesses such as colds and flu and exacerbates existing conditions such as arthritis and rheumatism.</li> <li>• Improving the energy efficiency of the existing stock is a long-term, sustainable way of ensuring multiple gains, including environmental, health and social.</li> </ul>	M
	2. Better quality housing conditions for private tenants will lead to a beneficial impact for physical and mental well-being.	M
	3. The introduction of Rent Repayment Orders included within the Enforcement and Service Standards will empower tenants and allow the Council (where housing benefit has been paid) to recover up to 12 months rent paid where a housing related offence has been committed	L
	3. The standards will help to prevent overcrowding particularly in licensed HMOs which would otherwise have an adverse impact on the health and well-being of families and development of children	M
	4. With the extension of HMO licensing, officers will become aware of more high risk properties that generally house the more vulnerable people and will be able to ensure that at least minimum standards are met	L

<b>Section 5: Conclusion</b>			
		<b>Tick Yes/No as appropriate</b>	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No x	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.

## Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
A risk that the effect of the enforcement action may lead to the displacement of tenants by rogue landlords (tenants in general not specifically those that have protected characteristics).	We will liaise with the police, Shelter and other agencies to ensure everybody is aware of the rights. In the long term these power will provide greater protection from tenants	On-going as part of general duties
Some landlords could decide to leave the lower end of the private rented sector and this could result in evictions and homelessness. However, this would be a short term problem that should lead to long term positive effect as the worst landlords are driven out of the business and the reputation of the sector will improve and make the profession more marketable.	Action as above to ensure tenants are aware of their rights. We will liaise with Housing Options to facilitate tenants who find themselves in housing need as a result of eviction	On-going as part of general duties



**Section 7: Sign off**

**I confirm that this initial analysis has been completed appropriately.  
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqIA: **Sally Devine**

Date: 30.4.2018

**Advice**

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.