

Equality Impact Assessment



Topic	Policy for imposing financial penalties under the Housing Act 2004 and Housing and Planning Act 2016
For decision by	Cabinet - 14 March 2019
Date of assessment	23/01/2019
Author	Richard Hopkins, Private Sector Housing Manager

Introduction to the proposal and background	<p>Thanet District Council is a Local Housing Authority. As such, it has a statutory duty to keep private sector housing conditions in the Thanet area under review.</p> <p>Our residents should have access to a home that does not have a detrimental effect on their health, safety or well-being. Therefore, the council uses a wide range of statutory powers to ensure that those responsible for private sector homes take the actions needed to prevent harm from occurring.</p> <p>When in the public interest, it is sometimes appropriate for the council to punish those who contravene housing law. The sanction for such failures is usually prosecution in the criminal courts. However, the Housing and Planning Act 2016 has introduced the concept of financial (civil) penalties as an alternative to prosecution for certain housing offences, namely:</p> <ul style="list-style-type: none"> ● Failing to comply with an Improvement Notice; ● Failing to licence a house in multiple occupation (“HMO”); ● Knowingly permitting the over-occupation of a licensed HMO; ● Failing to comply with the condition of an HMO licence; ● Failing to licence a house subject to selective licensing; ● Failing to comply with the condition of a selective licence; ● Failing to comply with an overcrowding notice in respect of a non-licensable HMO; ● Failing to comply with HMO management regulations; ● Breaching a banning order. <p>However, before the council can issue financial penalties for certain housing offences, it must first have an adopted policy which is just and proportionate.</p> <p>This Equality Impact Assessment concerns the proposed implementation of a “Policy for imposing financial penalties under the Housing Act 2004 and Housing and Planning Act 2016” for offences that occur on or after 01 April 2019.</p>			
	PSED Engaged by this topic	Yes	✓	No

Protected Characteristic	Definitions	Positive Impact			Negative Impact	No specific impact	What will the impact(s) be?
		PSED Aim 1	PSED Aim 2	PSED Aim 3			
Gender	Men/Boys					✓	A financial penalty may be payable by any person responsible for a residential dwelling who has committed a relevant offence. The application of the proposed policy shall apply equally to everyone. Those affected will have the right to make representations to the council and make an appeal to the independent First-tier Tribunal. Any person with a protected characteristic who believes they have been discriminated against can make a formal complaint to the council. A person not satisfied after following the council's complaint process may make a further complaint to the independent Local Government and Social Care Ombudsman. No positive or negative impacts have been identified in respect of this characteristic.
	Women/Girls					✓	As notes for "Gender - Men/Boys" above.
Gender Reassignment						✓	As notes for "Gender - Men/Boys" above.
Disability	Physical	✓					Persons with a disability can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. As the council's housing enforcement activities focus on safeguarding the health, safety and welfare of residents in the private rented sector, the enhanced enforcement capabilities provided by financial penalties should help to minimise disadvantage among residents with the protected characteristic of disability.
	Mental Ill health/disability	✓					As notes for "Disability - Physical" above.
	Learning difficulty/disability	✓					As notes for "Disability - Physical" above.
	Sensory impairment	✓					As notes for "Disability - Physical" above.
Age	Babies and children (0-16)	✓					Persons with young children can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. As the council's housing enforcement activities focus on safeguarding the health, safety and welfare of residents in the private rented sector, the enhanced enforcement capabilities provided by financial penalties should help to minimise disadvantage among residents with the protected characteristic of age.

	Young adults (16-25)					✓	As notes for "Gender - Men/Boys" above.
	Mid-age adults (26-59)					✓	As notes for "Gender - Men/Boys" above.
	Older adults (60+)	✓					Older adults, who may be retired, can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. As the council's housing enforcement activities focus on safeguarding the health, safety and welfare of residents in the private rented sector, the enhanced enforcement capabilities provided by financial penalties should help to minimise disadvantage among residents with the protected characteristic of age.
Race	White British/white other					✓	As notes for "Gender - Men/Boys" above.
	Mixed race					✓	As notes for "Gender - Men/Boys" above.
	Asian/Asian British					✓	As notes for "Gender - Men/Boys" above.
	Black/Black British					✓	As notes for "Gender - Men/Boys" above.
	Arab/Arab British					✓	As notes for "Gender - Men/Boys" above.
	Gypsies/travellers					✓	As notes for "Gender - Men/Boys" above.
	Other ethnic group					✓	As notes for "Gender - Men/Boys" above.
Sexual Orientation	Heterosexual					✓	As notes for "Gender - Men/Boys" above.
	Gay man					✓	As notes for "Gender - Men/Boys" above.
	Lesbian					✓	As notes for "Gender - Men/Boys" above.
	Bisexual					✓	As notes for "Gender - Men/Boys" above.
Religion or Belief	Faith Groups					✓	As notes for "Gender - Men/Boys" above.
Pregnancy & Maternity						✓	As notes for "Gender - Men/Boys" above.
Marriage & Civil Partnership	<i>(Aim 1 of the PSED only)</i>					✓	As notes for "Gender - Men/Boys" above.
Socio-Economic Background	<i>(N.B not a protected characteristic but relevant to Thanet)</i>	✓					The persons (and companies) engaged in residential lettings in Thanet are located around the UK. These persons are usually so engaged for the purposes of financial gain. It is the Government's intention that the imposition of financial penalties does have a financial impact on private sector landlords, being that such penalties are a punishment for wrongdoing. Therefore, in terms of public interest, there are no negative impacts. The policy of imposing financial penalties on private sector landlords who fail to meet their legal obligations is likely to promote an improvement in

					housing conditions more generally. Many households on lower incomes in Thanet live in the larger than average private rented sector. As such, this policy is likely to have a positive impact on deprived households.
--	--	--	--	--	---

Consultation with Information Governance & Equality Team					
Date advice given	08 February 2019				
Summary of Advice – Key Points	Content agreed.				
Advice accepted by responsible officer?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	If no, please explain your reasoning.

Approval and sign off from Line Manager			
Name	Bob Porter	Job Title	Head of Housing and Planning
Date	08 February 2019		