

Diversity impact assessment

TITLE <i>Name/description of the issue being assessed</i>	Private Sector Housing Enforcement and Licensing Policy
DATE <i>Date the DIA is completed</i>	4 January 2020
LEAD OFFICER <i>Name and title of person responsible for carrying out the DIA.</i>	Claire Allen, Private Sector Housing Technical Officer

1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The updated Housing Enforcement and Licensing policy has been developed to

- Set out the legal requirements and the Council's approach to enforcement, including charges that may be imposed for enforcement
- Enable the Council to make reasoned and consistent decisions regarding enforcement
- Inform the public of the principles by which enforcement action is determined and subsequently taken.

The policy is an amalgamation of two previous policies - the Housing Enforcement Policy (2009) and the council policy for HMO's (2009). The aim of the policy is to strengthen the regulatory framework for the private rented housing market by imposing obligations on landlords and license holders.

This policy has been developed to include the following legislative changes;

- Housing and Planning Act 2016
- Smoke and CO Alarm Regulations 2015
- Retaliatory Eviction and the Deregulation Act 2015: guidance note
- Banning Order Offences under the Housing and Planning Act 2016
- Database of rogue landlords and property agents under the Housing and Planning Act 2016 Statutory guidance for Local Housing Authorities
- Houses in multiple occupation (HMO) and residential property licensing reform: guidance for local housing authorities
- The Domestic Private Rented Property Minimum Standard - Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 October
- Retaliatory Eviction and the Deregulation Act 2015 - A guidance note
- The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2016
- Regulator's Code of Practice 2014
- The Housing & Planning Act 2016 (Banning Order Offences) Regulations
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018
- Housing, England The Licensing of Houses In Multiple Occupation

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(Prescribed Description) (England) Order 2018

Department for Communities and Local Government guidance

- DCLG Guidance for Local Housing Authorities “Civil Penalties under the Housing and Planning Act 2016”
- DCLG Guidance for Local Housing Authorities “Rent repayment orders under the Housing and Planning Act 2016”
- DCLG document “Housing Health & Safety Rating System; Enforcement Guidance”.
- DCLG document Local Housing Authorities Banning order and Housing and Planning Act 2016

2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

This consultation opened on 12 February 2020 and closed on 10 March 2020. We received 17 completed responses to the consultation, with the majority of respondents identifying themselves as private sector landlords.

54% of the respondents were private sector landlords

15% of the respondents were owner occupiers

23% of the respondents were tenants

The age of the respondents are as follow:

25-34- 8%

35-44- 31%

45-54- 31%

55-64- 15%

75 -8%

7 % prefer not to say

Ethnic Groups

77% of the respondents were White/English/Welsh/Scottish/Northern Irish

8% of the respondents were any other Black/Africa/ Caribbean background.

8% of the respondent were any other white background

7% prefer not to say

Summary of some of the comments received:

- ‘Supporting landlords with a contact’
- ‘Not part of the policy but consider making the fact that the council has a private rented team a bit more commonly known’
- ‘I think they should consider setting up a database of landlords with tenants’ comments and reviews about them. This would be a form of accountability for poor landlords. Even if there are the odd disputes about situations, this would standardise the situation for landlords just as it has the odd disputes about situations, this would standardise the situation for landlords just as it has tried to do for building works. Managing reputation would then become

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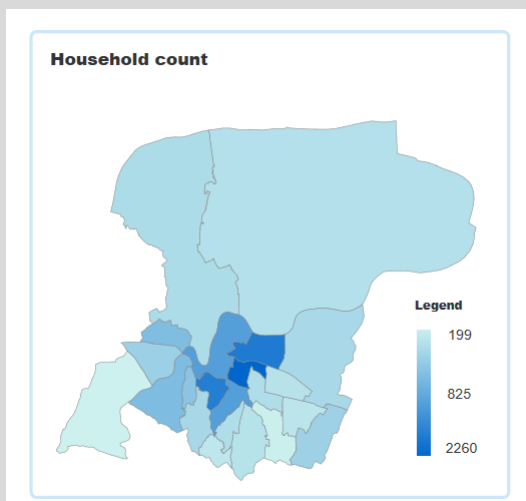
important for landlords and letting agents and curb the most practices.'

- 'Common sense and proportionality should be at the heart of the policy-more carrot, less stick- and the council should do all it can to ensure that landlords and tenants are aware of all their obligations.'

Approximately 18,150 households report to be renting privately in Medway
16,627 report that this is from a private landlord or letting agency, the remainder are made up of people who rent (or pay rent) to a member of their family or friend, an employer or gave the reason as "other".

3% of households identified as being without heating in the 2011 census.

The majority of privately rented stock is concentrated in the more densely populated, urban areas of Medway, particularly Gillingham North and South as well as Chatham Central.



3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't? (insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age		✓	
Disabilty		✓	

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Gender reassignment		✓	
Marriage/civil partnership		✓	
Pregnancy/maternity		✓	
Ethnicity		✓	
Religion/belief		✓	
Sex		✓	
Sexual orientation		✓	
Socio-economic disadvantage		✓	

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

It has not been identified that this policy will have a negative impact on any protected characteristic.

The policy will be applied equally to all Medway residents regardless of any defining characteristics.

Some groups who are unable to read written English can initially be disadvantaged, if material is not available in the appropriate format.

The council can make arrangement for an interpreter to facilitate contact with services should this be needed.

The following positive impacts have been identified.

Age

The private rented sector is being increasingly used by households with young children, with a high proportion of students and younger and older people in HMO's. This enforcement policy will help improve condition of the properties for all ages.

Ethnicity

The imposition of a framework for good management, the provision of a good basic standard of amenities and the subsequent remedying of actionable hazards in licenced HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers. Although the policy will be widely publicised through forums, web site etc., consideration will need to be given to BME landlords who may not be reached through traditional lines of

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communication.

Socio-economic disadvantage

Many households in the private rented sector are unable to access home ownership for financial reasons. This may lead to tenants in the PRS living in substandard accommodation, negatively impacting upon their health, and social economic well-being. The policy will ensure equal living standards to all complaints received.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

Ethnicity

Any cultural issues will be considered before enforcing standards. The policy will need to be widely advertised using traditional methods, but also focusing on engaging with landlords from the BME community. The policy and associated consultation documentation should be made available in a variety of languages and formats (if required).

The policy should lead to a better quality of private housing and greater community stability in Medway, for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

To carry out the consultation and ensure relevant feedback is included in this DIA	Private sector housing technical officer	April 2020
Monitoring of enforcement activity on a regular basis	Private sector housing technical officer	On going
Monitoring of complaints with regard to HMO Licencing enforcement.	Private sector housing technical officer	On going

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7 The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change, implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

To proceed

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Authorising Officer

Mark Breathwick

Date

20 January 2020

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: annamarie.lawrence@medway.gov.uk

C&A: (Children's Social Care) contact your normal P&I contact

C&A (all other areas): phone 1481 email: paddy.cahill@medway.gov.uk

BSD: phone 2472/1490 email: corppi@medway.gov.uk

PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication (corppi@medway.gov.uk)