

## Colchester Borough Council

### Equality Impact Assessment Form - An Analysis of the Effects on Equality

#### Section 1: Initial Equality Impact Assessment

Name of policy/decision to be assessed: **Private Sector Housing Enforcement and Civil Penalties Policy**

1. *What is the main purpose of the policy/service?*

The Policy sets out how we will fulfil our legal duty to regulate housing conditions in the Borough, in order to ensure that all enforcement activity is proportional, consistent, transparent and fair.

It also sets out our approach, and method of determining, the level of Civil Penalties which are an alternative to prosecutions proceedings for certain offences under the Housing Act 2004

2. *What main areas or activities does it cover?*

The investigation of reactive complaints and taking of proactive action relating to housing conditions and management of housing standards in the private rented sector.

3. *Are there changes to an existing policy being considered in this assessment? If so, what are they?*

Yes, this review has been undertaken as this Policy has recently been re-written in its entirety due to the introduction of new pieces of legislation and changes in Council priorities and working practices.

4. *Who are the main audience, users or customers who will be affected by the Policy?*

Residents within the Borough and outside of the Borough, including tenants, home owners, registered providers, landlords and other property professionals.

5. *What outcomes do you want to achieve from the policy?*

To improve the condition of the private sector housing stock within the Borough, including Houses in Multiple Occupation.  
To ensure a level playing field for all private landlords including those who work with Colchester Borough Homes  
To ensure that all Houses in Multiple Occupation that are required to be licensed are licensed, through enforcement action if required  
To ensure that all property managers are members of an approved redress scheme  
To reduce the number of long-term vacant dwellings  
To target our enforcement activity by working with other agencies to share intelligence to take a proactive and planned approach to enforcement.  
To assist tenants to take their own action where appropriate.

*6. Are other service areas or partner agencies involved in delivery? If so, please give details below:*

A number of other services and partner agencies are involved in the delivery of this Policy. These include a number of internal services such as Planning, Building Control and Legal services and external agencies such as Essex County Fire and Rescue Service, Essex Police and Social Care. These may also be involved in the provision of information/intelligence that we may use to identify which properties or property owners/managers to target our enforcement activity against.

We may also use a number of sources of information held nationally – such as tenancy deposit data and energy performance certificate data.

We may also make referrals to a number of different agencies and signpost tenants to other services or agencies.

*7. Are you aware of any relevant information, data or surveys or consultations which help us to assess the likely or actual impact of the policy upon customers or staff?*

No. We did not undertake a consultation on this Policy. We do not currently undertake customer feedback surveys that cover the work of this feedback.

*8. The general duty states that we must have “due regard” to the need to:*

- (a) eliminate unlawful discrimination, harassment and victimisation
- (b) advance equality of opportunity between people who share a ‘protected characteristic<sup>1</sup>’ and those who do not?

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<sup>1</sup> The Equality Act’s ‘protected characteristics’ include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

(c) foster good relations between people who share a protected characteristic and those who do not?

Not all policies help us to meet the “general duty”, but most do.

*Where applicable, explain how this policy helps us to meet the “general duty”*

*This Policy helps us to “eliminate unlawful discrimination, harassment and victimisation” in the following way:*

The Policy details how we will enforce national legislation. This helps to protect all residents who will all be members of a protected characteristic.

*The Policy helps us to “advance equality of opportunity” in the following way(s):*

It is not considered that this policy contributes to/supports this aim.

*The Policy helps us to “foster good relations” in the following way(s):*

It is not considered that this policy contributes to/supports this aim.

9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the “protected characteristics”:

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
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'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)	X	Advice and enforcement by the Council can help prevent unfair treatment and potential discrimination against this protected characteristic Under Housing Health and Safety Rating System (HHSRS) older people are classed as a 'vulnerable group' so enforcement action against a landlord ensures improvements are made	X	Some older people may find it more difficult to access our services on line. We will consider what enforcement action to take with regard to whether a member of the vulnerable age group is living in the property. So, if the tenant is in this age group, we may take enforcement action which we wouldn't take if the tenant was not in this age group. This is in accordance with national Government guidance. This could result in eviction proceedings.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
	Younger people (17-25) and children (0-16)	X	Advice and enforcement by the Council can help prevent unfair treatment and potential discrimination against this protected characteristic. Under Housing Health and Safety Rating System (HHSRS) children under 5 are classed as a 'vulnerable group' so enforcement action against a landlord ensures improvements are made.	X	We will consider what enforcement action to take with regard to whether a member of the vulnerable age group is living in the property. So, if the tenant is in this age group, we may take enforcement action which we wouldn't take if the tenant was not in this age group. This is in accordance with national Government guidance. This could result in eviction proceedings.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Disability	Physical	X	Advice and enforcement by the Council can help prevent unfair treatment and potential discrimination against this protected characteristic		None identified
	Sensory	X	As above	X	Visually impaired customers may find it more difficult to access our services on line
	Learning	X	As above	X	Those with learning difficulties may not be aware that our services are available or know how to access them and may struggle to communicate

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
	Mental health issues	X	As above	X	Those with mental health challenges may not be aware that our services are available or know how to access them and may struggle to communicate
	<i>Other – please specify</i>				
Ethnicity <sup>2</sup>	White		Nothing identified		Nothing identified
	Black		Nothing identified		Nothing identified
	Chinese		Nothing identified		Nothing identified
	Mixed Ethnic Origin		Nothing identified		Nothing identified
	Gypsies/ Travellers		Nothing identified		Nothing identified
	<i>Other – please state</i>				

<sup>2</sup> Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British); African, Caribbean, Other Black (Black or Black British); White and Black African, White and Asian, White and Black Caribbean (Mixed); British, Irish; Other White (White); Chinese, Other (Other ethnic group).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Language	English not first language		Nothing identified	X	May affect communication with the Council When a tenant or landlord we are regulating against doesn't have English as a first language, they may not fully understand our role and our requirements. We will arrange for an interpreter if required.
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	X	Advice and enforcement by the Council can help prevent unfair treatment and potential discrimination against this protected characteristic		Nothing identified
Religion or Belief	People with a religious belief (or none) <sup>3</sup>		Nothing identified		Nothing identified
Sex	Men		Nothing identified		Nothing identified
	Women		Nothing identified		Nothing identified
	Transsexual / gender reassignment		Nothing identified		Nothing identified
Sexual Orientation	Bisexual, heterosexual, Lesbian or Gay		Nothing identified		Nothing identified
Marriage and Civil	People who are single, married		Nothing identified		Nothing identified

<sup>3</sup> For example, Buddhist, Christian, Hindu, Jewish, Muslim, Sikh or no religious belief.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Partnership <sup>4</sup>	or in a civil partnership				

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<sup>4</sup> Our legal duty in respect of 'marriage or civil partnership' extends only to the need to eliminate unlawful discrimination.

10. *If you have identified any negative impacts (above) how can they be minimised or removed?*

#### Older People (60+)

Some older people may find it more difficult to access our services and information on-line. For this group there are a range of other ways to access services, including by telephone or face to face in the Hub. The digital inclusion team are assisting this age group by providing awareness and skills training to become confident in getting on -line service.

We have, and continue to, engage with a number of services that support people within this characteristic, so they are able to signpost or refer their clients to us.

If we take action because hazards exist that are particular to this vulnerable group, our action may result in a landlord taking eviction proceedings. We will signpost clients to other services to assist them with their housing options.

We have also provided tenants with a toolkit of letters on the Council's website to enable them to make a written approach to their landlord. Once a tenant has made written contact with their landlord, the protection from retaliatory eviction proceedings come into effect.

#### Younger people (17-25) and children (0-16)

We have, and continue to, engage with a number of services that support people within this characteristic, so they are able to signpost or refer their clients to us.

If we take action because hazards exist that are particular to this vulnerable group, our action may result in a landlord taking eviction proceedings. We will signpost clients to other services to assist them with their housing options.

We have also provided tenants with a toolkit of letters on the Council's website to enable them to make a written approach to their landlord. Once a tenant has made written contact with their landlord, the protection from retaliatory eviction proceedings come into effect.

#### Sensory

Visually impaired or those with hearing difficulties may find it more difficult to access our services on line. A textphone service is available for hearing impaired customers.

#### Learning

Those with learning difficulties may not be aware that our services are available or know how to access them and may struggle to communicate

We have, and continue to, engage with a number of services that support people within this characteristic, so they are able to signpost or refer their clients to us.

### Mental health issues

Those with mental health challenges may not be aware that our services are available or know how to access them and may struggle to communicate

We have, and continue to, engage with a number of services that support people within this characteristic, so they are able to signpost or refer their clients to us.

### English not first language

This may affect communication with the Council. When a tenant or landlord we are regulating against doesn't have English as a first language, they may not fully understand our role and our requirements. We will arrange for an interpreter over the phone if required and can arrange for letters and documents to be translated if required.

11. Could the policy discriminate<sup>5</sup> against any 'protected characteristic', either directly or indirectly?

No

### Summary and findings of Initial Equality Impact Assessment

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No negative impacts have been identified	Sign off screening and finish.
<b>Negative impacts have been identified but have been minimised or removed. X</b>	Sign off screening and finish.
Negative impacts were identified but could not be minimised or removed.	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement.	Sign off screening and complete a full impact assessment – Section 2.

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12. Name and job title of person completing the first version of this form:

Jon Ruder  
Private Sector Housing Manager  
Version 1 Dated 20 September 2011

Revised Version completed by :  
Anna Watson  
Private Sector Housing Manager  
Version 2 Dated 25 November 2019

13. Date of last review November 2019 by Anna Watson

14. Date for next review November 2022