

# **Southend on Sea Borough Council -**

## **Equality Analysis**

### **1. Background Information**

The Council's Regulatory Services team enforces the statutory provisions relating to all tenures, apart from South Essex Homes. This policy is intended to be read in conjunction with the Environment and Regulatory Enforcement Policy and is specific to the investigation of housing conditions and enforcement actions. It outlines the processes for investigation and to prioritise its powers according to tenure.

**1.1 Name of policy, service function or restructure requiring an Equality Analysis:**

The Private Rented Sector Housing Enforcement Policy.

**1.2 Department:**

Neighbourhoods and Environment.

**1.3 Service Area:**

Regulatory Services within Public Protection.

**1.4 Date Equality Analysis undertaken:**

11 August 2022

**1.5 Names and roles of staff carrying out the Equality Analysis:**

| <b>Name</b>        | <b>Role</b>                 | <b>Service Area</b> |
|--------------------|-----------------------------|---------------------|
| Joanne Stowell     | Director                    | Public Protection   |
| Elizabeth Georgeou | Head of Regulatory Services | Regulatory Services |

**1.6 What are the aims or purpose of the policy, service function or restructure that is subject to the EA?**

The purpose of the policy is to outline the legislation used by the team and to set out the Council's policy, where there is discretion to do so. The policy sets out:

- The investigative pathway associated with different tenures
- Response to service request when enforcing standards, including where a service may not be provided.
- Enforcement actions that will be considered to secure housing improvements
- Details the range of proactive and statutory actions that are available to the team to improve housing standards
- The charges for notices and civil penalties
- The complaints process available.

The policy is designed to benefit the community through consistent regulation of the private rented sector. It aims to improve the quality of housing within the private sector that is available to prospective tenants.

**1.7 What are the main activities relating to the policy, service function or restructure?**

The main activity of the team is to improve housing standards, and the policy details the activities that it can take to:

- Reduce the number of properties with serious risks to health and safety
- Improve energy efficiency, warmth and homes and helps to reduce fuel poverty
- Improves standards in the private rented sector accommodation
- Improve the standards in Houses in multiple occupation
- Improve the standards in rented properties with the designated selective licensing area.

It allows for the use of formal and informal enforcement options to ensure that housing conditions in the private rented sector meet the prescribed legislative standards. The implementation of new and updated legislation will be utilised to bring better regulation to the private rented sector in a consistent manner.

**2. Evidence Base**

|  |   |
|--|---|
| 2.1 Please list sources of information, data, results of | Reason for using (eg. likely impact on a particular group). |
|--|---|

|   |   |
|---|---|
| consultation exercises that could or will inform the EA.<br>Source of information                 |   |
| ONS UK Private rented sector 2018   | Demonstrates an increase in those privately renting, and the majority renting are below 35. It also evidences that those renting are falling into an older age group. Those in private rented sector are more ethnically and nationality compared to other tenure groups. |
| Health Problems in Houses in Multiple Occupation by Mary Shaw, Danny Dorling and Nic Brimblecombe | Highlights increased likelihood of those living in HMO accommodation as having poorer physical and mental health.   |
| ONS Gender pay gap in the UK 2021   | Continues to reflect a national pay gap between men and women – is not specific to SCC.   |

Please Note: reports/data/evidence can be added as appendices to the EA.

- 2.2 Identify any gaps in the information and understanding of the impact of your policy, service function or restructure. Indicate in your action plan (section 5) whether you have identified ways of filling these gaps.

There is no data available for some of the groups, however, this policy applies to all private rented properties across the Borough, and focusses on Houses in Multiple Occupation and those within the selective licenced (SL) area. The SL area covers the most deprived areas in Southend. The application of a consistent approach to those tenures in the highest risk areas will led to an increase across all groups.

### 3. Analysis

- 3.1 An analysis and interpretation of the impact of the policy, service function or restructure should be undertaken, with the impact for each of the groups with '*protected characteristics*' and the source of that evidence also set out against those findings.

|  | Impact - Please tick |          |         |     |         |
|--|----------------------|----------|---------|-----|---------|
|  | Yes                  |          |         | No  | Unclear |
|  | Positive             | Negative | Neutral |     |         |
| <b>Age (including looked after children)</b> | Yes                  |          |         |     |         |
| <b>Disability</b>                            |                      |          |         |     | Yes     |
| <b>Gender reassignment</b>                   |                      |          |         |     | Yes     |
| <b>Marriage and civil partnership</b>        |                      |          |         | Yes |         |
| <b>Pregnancy and maternity</b>               |                      |          |         | Yes |         |
| <b>Race</b>                                  |                      |          |         |     | Yes     |
| <b>Religion or belief</b>                    |                      |          |         |     | Yes     |
| <b>Sex</b>                                   |                      |          |         |     | Yes     |
| <b>Sexual orientation</b>                    |                      |          |         |     | Yes     |
| <b>Carers</b>                                |                      |          |         |     | Yes     |
| <b>Socio-economic</b>                        | Yes                  |          |         |     |         |

Descriptions of the protected characteristics are available in the guidance or from: [EHRC - protected characteristics](#)

- 3.2 Where an impact has been identified above, outline what the impact of the policy, service function or restructure on members of the groups with protected characteristics below:

|                   | <b>Potential Impact</b>   |
|-------------------|---|
| <b>Age</b>        | <p>Under the risk assessment profile, those over 55 are classed as a vulnerable age group for hazards relating to cold. This policy looks to ensure conditions of accommodation are suitable regardless of age, through enforcement and engagement with property owners. Houses in multiple occupation are more likely to be occupied by young people under the age of 35 as shared accommodation available to benefit reliant tenants as a result of housing benefit caps for young people. Many of these individuals rely on accommodation within the private rented sector as there is limited provision of social housing. Better regulation and enforcement of the private rented sector will ensure that suitable action is taken against landlords and managers who do not comply with the law and licence conditions. This is expected to help drive bad landlords out of the market which should have the beneficial effect of better quality and well managed private rented housing for all ages groups.</p> |
| <b>Disability</b> | <p>Whilst there is a lack of data available, it is likely that those with disabilities are more likely to be negatively affected by poor housing conditions, therefore robust enforcement to ensure housing conditions are regulated will positively impact on disabled persons.</p> <p>There are a significant number of tenants with mental health disabilities living in HMO's in the private rental sector. The envisaged benefits of better-quality shared housing accommodation that is well managed and complies with all relevant standards will have a positive impact on this group. HMO residents are eight times more likely that the</p>   |

|                                       |   |
|---------------------------------------|---|
|                                       | general population to suffer from mental health problems as well as having other problems.  |
| <b>Gender reassignment</b>            | Unknown due to lack of data   |
| <b>Marriage and civil partnership</b> | Unknown due to lack of data   |
| <b>Pregnancy and maternity</b>        | Where properties are occupied to a maximum occupancy through licence conditions, this may cause an adverse effect on those that give birth to children whilst living in the premises. This could lead to eviction notices; however, housing options advice and assistance will be offered.  |
| <b>Race</b>                           | <p>There is a proportion of migrant households in the private rented sector and in particular in shared HMO accommodation as they may be on low wages meaning smaller homes are only affordable form of accommodation for a working household. Vulnerable tenants, such as new arrivals in the country may be more likely to be exploited and affected by poor housing conditions.</p> <p>Overcrowding disproportionately affects migrants. Tenants within ethnic minority groups are therefore likely to be positively affected by this policy due to better quality accommodation and landlord management practices that will result from better enforcement of the sector. Greater protection from eviction should also result from increased powers to use civil penalties against those landlords who harass or unlawfully evict tenants as these will serve as a deterrent for potential offenders.</p> |
| <b>Religion or belief</b>             | There is insufficient data available to measure accurately the potential effect of these proposals in relation to sexual orientation of tenants.  |
| <b>Sex</b>                            | Unknown due to lack of data available, however lower paid job roles may lead those on minimal wages to occupy lower cost accommodation. It is   |

|                           |  |
|---------------------------|--|
|                           | unknown the effect of gender pay gaps locally to establish if there is a disproportionate gender affected by poor quality low cost accommodation, however, if this is the case, this gender group are likely to be subject to increased benefit of consistent regulation of housing conditions.  |
| <b>Sexual orientation</b> | There is insufficient data available to measure accurately the potential effect of these proposals in relation to sexual orientation of tenants.   |
| <b>Carers</b>             | There is insufficient data available to measure accurately the potential effect of these proposals in relation to carers. However, carers are likely to be on low income and due to affordability may find themselves in the worst properties or shared accommodation if this is the case, this group are likely to be subject to increased benefit of consistent regulation of housing conditions.  |
| <b>Socio-economic</b>     | Those that live in a deprive area are statistically more likely to suffer from poor housing conditions, therefore regulation of the private rented sector will positively improve their health and wellbeing. Vulnerable residents and those on low incomes have found that access to housing appropriate to their needs has been restricted by a lack of affordability and large numbers find themselves living the worst properties or shared accommodation. Changes to the national welfare system has had a further negative impact on the provision of quality housing options due to displacement of benefit dependent households into cheaper shared accommodation as a result of the Local Housing Allowance rent caps. Greater regulation and enforcement of the private rented sector, particularly those HMO's and properties within the selective licence area, that are |

|  |  |
|--|--|
|  | <p>required to be licenced, may force some landlords to leave the private rented sector altogether which could negatively impact tenants due to the reduction in a supply of HMO's and subsequent increase in evictions and homelessness.</p> <p>However, a significant protection would be provided to assured shorthold tenants is that a s21 notice to evict tenants cannot be used by a landlord where a tenant has formally reported disrepair and the Council have taken relevant enforcement action.</p> <p>The Courts will therefore refuse to issue Possession Orders on that basis and enforcement action will be taken against those landlords who evict tenants unlawfully.</p> <p>The life changes of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. Better enforcement of the private housing sector seeks to address some of these issues by improving housing conditions and security of tenure, particularly for the poorest tenants, over the longer term.</p> |
|--|--|

#### **4. Community Impact**

4.1 You may also need to undertake an analysis of the potential direct or indirect impact on the wider community when introducing a new/revised policy, service function or restructure.

See section above on effect on socio-economic groups for the wider implications of the regulation of this area.

4.2 You can use the [Community Cohesion Impact Assessment](#) as a guide, outlining a summary of your findings below:

N/A

#### **5. Equality Analysis Action Plan**



5.1 Use the below table to set out what action will be taken to:

| Planned action | Objective | Who | When | How will this be monitored (e.g. via team/service plans) |
|----------------|-----------|-----|------|--|
| None           |           |     |      |  |



Signed (lead officer):



Signed (Director): .....

Once signed, please send a copy of the completed EA (and, if applicable, CCIA)

to Sarah Brown [Sarahbrown@southend.gov.uk](mailto:Sarahbrown@southend.gov.uk).