

Customer Access Review – Full Assessment

APPENDIX B

Assessment details	
Assessment area	Private Sector Housing Enforcement and Licensing Policy
Date of assessment	15 February 2021
Directorate and Service	Strategic Directorate (External Services), Housing Services
Manager	Housing Solutions and Private Sector Manager
Officer conducting assessment	Housing Policy & Development Officer
Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	<p>The Private Sector Housing Enforcement and Licensing Policy sets out the general principles, relevant legislation and guidance, which is applied in relation to enforcement action taken by Dartford Borough Council in respect of private sector housing in the borough.</p> <p>The Policy is designed to:</p> <ul style="list-style-type: none"> • 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 <p>This assessment has been undertaken in conjunction with a review of the Policy to include the new powers under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020; and, inclusion of a statement of principles for the issuing of financial penalties under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended).</p>
2. Who will be affected by the activity or proposal?	The Private Sector Housing Enforcement and Licensing Policy affects residents in the private sector and private sector landlords and owners.
3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<p>a) Corporate Plan performance indicators:</p> <ul style="list-style-type: none"> • HP-17a: Number of service requests completed for Private Sector Housing • HP-17b: Number of service requests received for Private Sector Housing • HP-18: Number of private sector dwellings returned to occupation <p>b) The Private Sector Housing Enforcement and Licensing Policy contributes to the Corporate Plan strategic aims of 'facilitating quality, choice and diversity in the housing market, assisting in meeting housing need in Dartford and delivering high quality services to service users' and 'creating strong and self-reliant</p>

Customer Access Review – Full Assessment

<p>Step 1: Scoping the assessment</p>	
	<p>communities. The policy also related to the strategic objective to ‘provide high quality housing services and to strive to improve the quality and condition of the borough’s private rented housing sector’.</p>
<p>4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</p>	<p>There are numerous pieces of legislation and statutory guidance, which relate to all of the Council’s enforcement powers of private sector housing conditions and management. The majority of these are mandatory but may include some elements of discretion. Please refer to Section 3 of the Private Sector Housing Enforcement and Licensing Policy for the full list.</p> <p>In respect of the Policy updates regarding the Electrical Safety Standards and the Minimum Energy Efficiency Standards, the relevant legal Regulations under which the Council will enforce these standards are, as follows:</p> <p>Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p> <p>The Electrical Safety Standard Regulations were made under the Housing and Planning Act 2016. For new tenancies from 1 July 2020 and existing tenancies from 1 April, private sector landlords are required to:</p> <ul style="list-style-type: none"> • Ensure national standards for electrical safety are met; • Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years; • Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test; • Supply a copy of this report to the existing tenant within 28 days of the inspection and test; • Supply a copy of this report to a new tenant before they occupy the premises; • Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report; • Supply the Council with a copy of this report within 7 days of receiving a written request for a copy; • Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test; • Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report; • Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant and the Council within 28 days of completion of the works. <p>If a landlord is in breach of their duties under the Regulations, the Council has a statutory duty to serve a Remedial Notice on the landlord.</p>

Customer Access Review – Full Assessment

Step 1: Scoping the assessment	
	<p>If a landlord does not comply with a Remedial Notice or if urgent remedial work is required, the Council has discretionary powers to arrange for an authorised person to carry out this work and recover costs reasonably incurred in taking action to carry out remedial work.</p> <p>If a landlord has breached their duties under the Regulations, the Council has discretionary powers to decide to impose a financial penalty on the landlord and the amount of the financial penalty, up to a maximum set by the Regulations. The Council’s statement of principles for the issuing of financial penalties under the Electrical Safety Standards Regulations are set out in the Policy to ensure that transparency, proportionality, fairness and consistency is applied. As advised in Government non-statutory guidance, this statement of principles is based on the Council’s statement of principles that has been developed for Civil Penalties using the Government guidance on developing such principles.</p> <p>Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) The Energy Efficiency Regulations were made under the Energy Act 2011. From 1 April 2018, all relevant tenancies starting new or renewing after this date must have at least an E rating on the property's Energy Performance Certificate (EPC) by law.</p> <p>From 1 April 2020, all other relevant privately rented homes (i.e. those on continued tenancies) must have at least an E rating on the EPC to be lawfully let out.</p> <p>The Council has a mandatory duty to take enforcement action where:</p> <ul style="list-style-type: none"> • The property is sub-standard and let in breach of the Regulations; • The landlord has registered any false or misleading information on the PRS Exemptions Register; • The landlord has failed to comply with a Compliance Notice. <p>The Council has discretionary powers to publish details of a landlords breach on a publicly accessible part of the Private PRS Exemptions Register. It can also decide how long to leave the information on the PRS Exemptions Register, but it will be available for view by the public for at least 12 months. The draft Policy has determined that all breaches will be registered on the PRS Exemptions Register for a period of 3 years, with the option to reduce this period in exceptional circumstances.</p> <p>If a landlord has breached their duties under the Regulations, the Council has discretionary powers to decide to impose a financial penalty on the landlord and the amount of the financial penalty, up to a maximum set by the regulations. The Council’s statement of principles for the issuing of financial penalties under the Minimum</p>

Customer Access Review – Full Assessment

Step 1: Scoping the assessment	
	Energy Efficiency Standards Regulations are set out in the Policy to ensure that transparency, proportionality, fairness and consistency is applied.
Step 2: Information collection	
<p>5. What do you know about the groups of people who will be affected? (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)</p>	<p>2011 Census data has identified that out of a total of 40,081 households in Dartford, 6,385 are privately renting – 6,003 (private landlord or letting agency), and 382 (other).</p> <p>There are currently no datasets that provide full coverage of the protected characteristics of landlords and residents within the borough’s private rented sector.</p>
<p>6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings</p>	<p>As the Council is under a legal duty to enforce statutory Regulations and the processes are largely prescribed by the Regulations, no formal consultation is required as a result of the updates to the Private Sector Housing Enforcement and Licensing Policy in respect of the Electrical Safety Standards and the Energy Efficiency Standards.</p>
<p>7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?</p>	<p>No additional information is required.</p>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact

8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:

- a) tackling unlawful discrimination
- b) promoting equality of opportunity
- c) promoting good relations

NOTES:

- The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration
- For existing activities, consider how they are working in practice for each relevant protected group
- For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group
- If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9
- If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9

Step 3: Assessing the equality impact

PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	The Council's enforcement activities involve safeguarding the health, safety and welfare of private sector residents. The enhanced enforcement capabilities provided by the Regulations in respect of the Electrical Safety Standards and the Energy Efficiency Standards should help the Council to minimise disadvantage among private sector residents. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and action that the Council can take to deal with poor condition and management. As enforcement action is primarily based on property condition and management standards, it will affect tenants and private sector landlords equally regardless of protected characteristic group.		<input type="checkbox"/>	<input type="checkbox"/>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Disability	<p>As explained under the 'Age' protected characteristic.</p> <p>In accordance with the Council's Equality & Diversity Document Framework, information about the services provided regarding the enforcement of standards in the private rented sector can be provided in alternative formats to people with sensory needs including:</p> <ul style="list-style-type: none"> • Braille, audio tape and large print versions of documents • British Sign Language interpreting <p>Calls can be received via Relay UK.</p>		<input type="checkbox"/>	<input type="checkbox"/>
Sex	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>
Race	<p>As explained under the 'Age' protected characteristic.</p> <p>In accordance with the Council's Equality & Diversity Document Framework, information about the services provided regarding the enforcement of standards in the private rented sector can be provided in alternative formats to people where English is not their first language including:</p> <ul style="list-style-type: none"> • Documents translated into other languages • Telephone and face-to-face language interpreting 		<input type="checkbox"/>	<input type="checkbox"/>

Customer Access Review – Full Assessment

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Religion/Belief	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership*	As explained under the 'Age' protected characteristic.		<input type="checkbox"/>	<input type="checkbox"/>

* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	Not applicable.
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	Not applicable.
11. Any other comments	The results of enforcement action may lead to certain private sector residential premises being stopped from being rented out due to not meeting the Regulations, or require works to be completed, or financial penalties could be imposed. These enforcement measures could have a negative financial impact on a private landlord. However, the application of the policy applies equally to everyone and follows prescribed Regulations. Those affected will have the right to make representations to the Council and make an appeal to the independent First-tier Tribunal. Any person who believes they have been discriminated against, can make a formal complaint to the Council under the Corporate Complaints Procedure. A person not satisfied after following the Council's complaints process may make a further complaint to the independent Local Government and Social Care Ombudsman.

Customer Access Review – Full Assessment

Step 4: Action plan					
12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:					
a) any gaps in information and consultation					
b) how any negative impacts on equality will be mitigated or eradicated					
a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?					
Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					
b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?					
Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					
Step 5: Decision making and future monitoring					
13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?			Strategic Director (External Services)		
14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
15. How will you continue to monitor the activity or proposal on protected characteristic groups?			Activity on the enforcement of the Electrical Safety Standards and the Energy Efficiency Standards in the private rented sector will be monitored by the Private Sector Housing Team.		
16. When will you review this Customer Access Review?			New assessments will be undertaken as and when the Private Sector Housing Enforcement and Licensing Policy is significantly reviewed and updated.		
Step 6: Final steps					
17. Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer					
18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded					