

Cambridge City Council Equality Impact Assessment



Completing an Equality Impact Assessment will help you to think about what impact your strategy, policy, plan, project, contract or major change to your service may have on people that live in, work in or visit Cambridge, as well as on City Council staff.

The template is easy to use. You do not need to have specialist equalities knowledge to complete it. It asks you to make judgements based on evidence and experience. There are guidance notes on the intranet to help you. You can also get advice from Suzanne Goff, Strategy Officer on 01223 457174 or email suzanne.goff@cambridge.gov.uk or from any member of the Joint Equalities Group.

1. Title of strategy, policy, plan, project, contract or major change to your service:

Fee structure for Civil Penalty Notices for Housing Act 2004 offences

2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The Housing and Planning Act 2016 ('the 2016 Act') amends the Housing Act 2004 ('the 2004 Act') to allow financial penalties, up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences. In accordance with the new section 249A(4) of the 2004 Act the amount of a financial penalty is to be determined by the local housing authority. Although the statutory guidance recommends factors a local authority should take into account when deciding on the level of penalty, it does not go into any level of detail in this regard. The Council therefore has a wide discretion in determining the appropriate level of civil penalty in a particular case and seeks to set out further guidance through the introduction of a fee Matrix.

3. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

- Residents
- Visitors
- Staff

A specific client group or groups (please state):

Landlords and letting agents

4. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

- New
- Revised
- Existing

5. Responsible directorate and service

Directorate: Environmental Services

Service: Residential Team

6. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?

No

Yes (please give details):

7. Potential impact

Please list and explain how this strategy, policy, plan, project, contract or major change to your service could **positively** or **negatively** affect individuals from the following equalities groups.

When answering this question, please think about:

- The results of relevant consultation that you or others have completed (for example with residents, people that work in or visit Cambridge, service users, staff or partner organisations).
- Complaints information.
- Performance information.
- Information about people using your service (for example whether people from certain equalities groups use the service more or less than others).
- Inspection results.
- Comparisons with other organisations.
- The implementation of your piece of work (don't just assess what you think the impact will be after you have completed your work, but also think about what steps you might have to take to make sure that the implementation of your work does not negatively impact on people from a particular equality group).
- The relevant premises involved.
- Your communications.
- National research (local information is not always available, particularly for some equalities groups, so use national research to provide evidence for your conclusions).

(a) Age (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil penalty notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This may be positive for people of any age living in the rental sector especially those that fall into the venerable age for associated hazard defined in the Housing Act 2004. The end result of a case will however remain the same as per current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

The legislation allowing Civil penalties to be served for Housing Act offences does not take into account specific age groups. However the guidance for serving a notice of this type is covered within the enforcement policy and requires we take into account vulnerability. Children will not be directly affected by the legislation as they would not be acting as a landlord .The guidance for the service of Civil Penalty Notice for the Housing Act indicates that “Local housing authorities should use their existing powers to, as far as possible, make an assessment of a landlord’s assets and any income (not just rental income) they receive when determining an appropriate penalty” Taking this into consideration will help to ensure that we do not increase a person vulnerability however the penalty still needs to be sufficient to act a deterrent.

(b) Disability (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on their daily life)

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil penalty notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

Overall it is unlikely to have any significant differing affect directly relating to disability over that of existing enforcement options. Enforcement action would only be considered inline with the enforcement policy.

(c) Gender

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no gender equality issues created by the introduction and use of the Civil Penalty fee matrix for Act 2004 Offences.

(d) Pregnancy and maternity

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to deal with as it negates the necessity for prosecution and will help strengthen enforcement options. The end result of a case will however remain the same as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no pregnancy or maternity issues created by the introduction and use of the Civil Penalty fee matrix for Act 2004 Offences.

(e) Transgender (including gender re-assignment)

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same to the resident as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no transgender equality issues created by the introduction and use of the Civil Penalty fee matrix for Act 2004 Offences.

(f) Marriage and Civil Partnership

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil penalty notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same to the resident as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no Marriage and Civil Partnership equality issues created by the introduction and use of the Civil Penalty fee matrix for Housing Act 2004 offences.

(g) Race or Ethnicity

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same to the resident as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no race or ethnicity equality issues created by the introduction and use of the Civil Penalty fee matrix for Housing Act 2004 offences.

(h) Religion or Belief

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same to the resident as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no religion or belief equality issues created by the introduction and use of the Civil Penalty fee matrix for Housing Act 2004 offences.

(i) Sexual Orientation

Residents

The introduction of a fee Matrix will allow service of Civil Penalty Notices for certain offences under the Housing Act 2004 including disrepair and problems associated with safety. The use of Civil Penalty Notices may in certain circumstances reduce the length of time a case takes to reach conclusion as it negates the necessity for prosecution and will help strengthen enforcement options. This is a positive step for people living in the rental sector in general. The end result of a case will however remain the same to the resident as under current enforcement options so it not anticipated that this should give rise to equalities issues.

Landlords & Agents

There are no equality issues created relating to sexual orientation by the introduction and use of the Civil Penalty fee matrix for Housing Act 2004 offences.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):

Residents

The change is within the enforcement process in that we can now serve a Civil Penalty Notice instead of prosecution. The result of this action will have no direct impact on the people accessing the service as the complaint will continue to be dealt with in the same manor. Civil Penalty Notices would be served on landlords or Agents.

Landlords & Agents

The same burden of proof is required to serve a Civil Penalty Notice as to prosecute for a Housing Act Offence so the use of enforcement action will not be increased. However some cases which were previously dealt with by prosecution will now be dealt with through issue of an penalty notice. The notice has the right of appeal and can ultimately be withdrawn. The guidance requires that Local housing authorities should use their existing powers to, as far as possible, make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty. This guidance will be followed and a reduction may be given where we are satisfied of that an offenders means make it unreasonable for them to be able to afford to pay the penalty in full.

8. If you have any additional comments please add them here

9. Conclusions and Next Steps

- If you have not identified any negative impacts, please sign off this form.
- If you have identified potential negative actions, you must complete the action plan at the end of this document to set out how you propose to mitigate the impact. If you do not feel that the potential negative impact can be mitigated, you must complete question 8 to explain why that is the case.
- If there is insufficient evidence to say whether or not there is likely to be a negative impact, please complete the action plan setting out what additional information you need to gather to complete the assessment.

All completed Equality Impact Assessments must be emailed to Suzanne Goff, Strategy Officer, who will arrange for it to be published on the City Council's website.
Email suzanne.goff@cambridge.gov.uk

10. Sign off

Name and job title of assessment lead officer: Philip Winter – Project Officer

Names and job titles of other assessment team members and people consulted:

Date of completion: 5/9/2017

Date of next review of the assessment:

Action Plan

Equality Impact Assessment title:

Date of completion:

Equality Group	Age
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Disability
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Gender
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Pregnancy and Maternity
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Transgender
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Marriage and Civil Partnership
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Race or Ethnicity
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Religion or Belief
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Sexual Orientation
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Other factors that may lead to inequality	
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	