

EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 requires all public bodies, including local authorities, to show “due regard” to the impact their policies and procedures have on people from different groups. This includes gender, race, religion, age, disability, sexual orientation and gender identity. We also have a responsibility to foster good community relations. Although they are not a legal requirement, conducting a basic assessment will allow you to look at the possible implications of a policy or procedure, and take any mitigating action if appropriate.

Remember:

- Equality Impact Assessments (EIAs) should be carried out on **relevant** policies and procedures. Not all policies or procedures will require them. If you are unsure if one is required, please contact the Equality and Diversity Manager on 01753 875069 for advice.
- Assess any potential impacts, positive and negative, in a proportionate way and with relevance
- Make decisions that are justified, evidenced, relevant and identify any mitigating proposals
- Prioritise expenditure in an efficient and fair way
- Have a record showing that the potential impacts have been considered and that decisions are based on evidence

It is important the EIA is carried out at the earliest opportunity to ensure that you have the time to undertake any additional work that will inform your decisions, for example community engagement.

All relevant committee reports should include an equalities impact assessment. This will ensure that equalities considerations are available for members to consider as part of the formal decision-making process. If your EIA is part of a Cabinet Report, please forward it to Democratic Services, along with your other committee paperwork. It is usual to publish the EIA with the other public papers in advance of a committee meeting. Please also remember to complete the EIA section of the report checklist and the EIA summary section on the report itself.

If you have any questions or concerns, please contact the Equality and Diversity Manager on 01753 875069.

Equality Impact Assessment

Directorate: Place and Community	
Service: Housing Regulation	
Name of Officer/s completing assessment: Rhian Richards	
Date of Assessment: 25/05/2022	
Name of service/function or policy being assessed: Housing Regulation Enforcement Policy , Licensing Decisions policy and Revised Policy for Civil Financial Penalties	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>Slough Borough Council enforces a wide range of legislation across its many regulatory functions and in doing so the Council is required to have regard to the principles set out in the Regulators Code. The Council has a high level Cabinet approved Enforcement Policy which adheres to these principles; and officers across the Council's regulatory and enforcement services utilise this policy when making their enforcement decisions. The Council's regulatory and enforcement policy is available here:</p> <p>It is recognised however that due the variety of legislation enforced across the Council, service specific enforcement policies which provide a more detailed explanation of how the Council interprets legislation, may be necessary in some areas.</p> <p>The housing regulation team implement and enforce a range of legislation relating the regulation of private housing in Slough including Part 1 of the Housing Act 2004 which relates to housing conditions and Part 2, 3 and 4 which relate to HMO and selective property licensing. The vast majority of the team's work is focussed on the private rented sector however some functions, for example the requirement under the Housing Act 2004 to assess hazards in domestic dwellings, applies to other private housing, including owner-occupied homes.</p> <p>In carrying out their functions officers from the housing regulation team are required to take regulatory decisions which involve interpreting legislation, statutory and non- statutory guidance and codes of practice. There is always a risk of inconsistency where individuals take decisions based on their interpretations of the legislation alone and consequently written policies are often a requirement where new legislation or enforcement tools are introduced by the Government.</p> <p>The policies to which this EIA relates are designed to provide a framework for consistent decision making in matters relating to the regulation of private housing, particularly privately rented housing in Slough. The Policy and its appendices are also designed to provide</p>

	<p>to the public, information about how they can expect their cases to be dealt with by the housing regulation team. It is hoped that these policies will help the Council to demonstrate its commitment to transparency and accountability. Finally the policies meet the requirements set out in a range of statutory guidance to publish and maintain written policies or statements of principle concerning the use of certain enforcement tools introduced under the Housing and Planning Act 2016.</p> <p>The policies do not encompass a wide ranging change in approach by the housing regulation team to their enforcement functions, but rather provide clarity around the decision making process and reflect the need for existing policies to be recorded. The policies will provide officers with a decision making framework, giving them the confidence to be robust but fair. Crucially, the policies will increase the public's understanding of the rationale behind individual decisions and improve their ability to hold officers to account for those decisions and to challenge them through the appropriate legal channels should they wish to do so; appealing a notice at first tier tribunal for example.</p>
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>The policies relate primarily to the activities of the housing regulation team. However increasingly the housing regulation team relies on colleagues in the resilience and enforcement team to assist in the delivery of functions, particularly relating to property licensing. The Revised Civil Financial Penalties protocol which is an appendix to the main enforcement policy is also utilised by Trading Standards in determining the appropriateness and level of financial sanction levied for breaches of relevant consumer protection legislation relating to letting agents.</p> <p>There is a significant element of multi-agency working involved in the delivery of the housing regulation teams functions including for example working with Royal Berkshire Fire and Rescue Service and Thames Valley Police and other agencies may be consulted prior to enforcement decisions being made (this is reflected in the policy) however ultimately the decisions are made by the Council in accordance with its scheme of delegation.</p>
3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc? Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>The policy has the potential to affect any person who lives in, owns or manages any private domestic property in the borough of Slough. However, the policies are of greatest relevance to those living in, owning, letting or managing privately rented accommodation in Slough. The private rented sector makes up about 30% of the housing in Slough which is above the English average of around 21%.The Council</p>

does not routinely collect data on the demographic characteristics of these groups however there is national data available relating to some protected characteristics. Of course, it cannot be assumed that the situation in Slough reflects the national picture exactly, but in the absence of local data it provides a reasonable evidence base for this assessment. Furthermore, where observations and anecdotal evidence indicates the Slough picture may deviate from the national picture it is noted below.

Age: According to Data published by MHCLG based on the 2018 English Housing Survey data the percentage of persons who rented their home (versus other forms of tenure) was highest in young adults [renting from a private landlord - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](#). The percentage of persons from each age group (16-24, 25 to 34, 35 to 34, etc.) that rent their home generally decreases with age, however the 25-34 represents the largest group. However the ONS published data in 2017 indicating that households in the 45 to 54 years age group saw the biggest percentage increase in proportion of persons renting between 2007 and 2017 so the picture may be shifting with time.

In 2017, 35% of one adult households with children, lived in private rented sector which is similar to the proportion in social housing. However in 2007 15% of the same group lived in private rented housing.

Conversely, on average landlords tend to be older than the general population with 59% aged 55 years or older.

The average age for a Slough resident is 33. Assuming the demographic characteristics of private tenants in Slough match those of the UK it is likely that the introduction of these policies will have a largely beneficial impact on residents in Slough, who are on average younger than in the rest of England. Some landlords may be disadvantaged by the policies as they will improve the efficiency of the regulatory process, resulting in a possible increase in enforcement activity. However, compliant landlords may actually benefit from this as it will create a fairer playing field for all those operating in the sector.

Disability:

An online search of publicly available data found an ONS report from 2019, based on its Annual Population Survey, which indicated that 14.9% of disabled people lived in privately rented housing. This is below the English average for non-disabled people. One report by the charity Mencap found that 3% of people with learning disabilities known to social services lived in privately rented accommodation in England. There is no reason to believe that the policies will impact disabled people more than the general population.

Gender Reassignment:

An online search found little evidence relating to this protected characteristic and its relationship to private housing to be scant but it is not anticipated that the policies will impact those who have undertaken or will undertake gender reassignment more than any other individual.

Marriage and Civil Partnership:

The housing regulation team anticipates that the impact on those in a civil partnership or married will not be significantly different from those not in those relationships. However, single people and those in relationships living in HMOs are likely to be positively impacted by improved regulation of the private rented sector as it is these properties that are regulated through the licensing schemes and licensing decisions policy to which this assessment relates.

Pregnancy and maternity:

The policies will affect pregnant women and women with young babies in the private rented sector positively as better enforcement will ultimately result in improved housing conditions and health outcomes for this group and for their children.

Race:

Data gathered by MHCLG in their English Private Landlord Survey in 2018 [English Private Landlord Survey 2018: Main report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) indicates that the majority of landlords in England and are White (89%). It is likely that the picture in Slough differs from the the national picture as the ethnic makeup of the population in Slough is more diverse than the English population generally and consequently it would be reasonable to assume that there is also greater diversity in the landlord population.

Ethnicity data for Slough from 2011 census is as follows:

	White ethnic groups	Mixed ethnic groups	Asian ethnic groups	Black ethnic groups	Arab ethnic group	Other ethnic group	Non-white ethnic group
Slough	45.7	3.4	39.7	8.6	0.7	1.9	54.3
Baylis and Stoke	26.9	2.4	61.1	7.3	0.3	2.0	73.0
Britwell and Northborough	64.1	5.2	15.8	13.8	0.6	0.5	35.9

Central	34.0	3.1	50.5	9.8	0.9	1.7	66.0
Chalvey	32.0	3.2	49.3	12.6	1.0	2.0	68.0
Cippenham Green	63.6	3.6	25.1	5.9	0.9	1.3	36.8
Cippenham Meadows	49.3	3.6	34.8	9.9	1.0	1.3	50.7
Colnbrook with Poyle	58.8	4.0	28.2	6.8	0.8	1.3	41.2
Elliman	30.1	3.0	54.4	9.5	0.5	2.3	69.9
Farnham	39.3	3.4	44.2	10.3	0.5	2.4	60.7
Foxborough	53.3	4.1	25.9	14.7	0.5	1.6	46.7
Haymill and Lynch Hill	69.0	4.2	18.7	6.3	0.3	1.0	30.5
Langley Kederminster	49.5	3.5	36.2	8.0	0.7	2.2	50.5
Langley St Mary's	56.0	2.9	32.5	5.6	0.7	2.3	44.0
Upton	31.2	2.9	57.9	4.1	0.5	3.3	68.7
Wexham Lea	38.9	2.6	49.1	6.2	0.5	2.7	61.1

In 2019, when the property licensing schemes were proposed by the housing regulation team and approved by Cabinet, the accompanying EIA referenced anecdotal evidence that the landlords in the Chalvey and Central Wards where the Council's Selective scheme operates, were primarily from the Asian (particularly Pakistani) community. It is not clear whether the anecdotal evidence referred to was collected during the various consultation events that were run at the time, or whether they were observations made by officers from the team who were working in the area. The local census data indicates that the Chalvey and Central wards do indeed have a higher proportion of persons identifying as being from Asian ethnicity than for the slough population as a whole. It seems possible then, the elements of the policies that relate to Licensing will both negatively and impact this ethnic group more than others. It is important to note however that not all of the landlords operating in Slough live in the borough so the landlord population may not have the same demographic profile as the local resident population. Furthermore, the policies themselves cover the full range of enforcement functions carried out by the housing regulation team and therefore they affect all wards within the borough and all landlords irrespective of whether their properties are covered by the licensing schemes. Furthermore, the policies are designed to improve transparency in decision making and to make it easier for landlords of all ethnicities to understand regulatory processes; and to challenge the decisions of the Local Authority; therefore the policies will benefit landlords more generally.

Data published by MHCLG based on the English Housing Survey in 2018 indicates that those from BAME communities are over represented in the private rented sector compared to the general population [Renting from a private landlord - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.gov.uk/ethnicity-facts-figures). Given the diversity of the population in Slough it is reasonable to assume that the local picture is similar to the national one, with BAME communities making up a significant proportion of private tenants. These groups will therefore receive a disproportionate benefit from these policies which will improve enforcement and ultimately conditions in the private rented sector. Furthermore the private rented sector is likely to be the only housing sector open to migrants moving to Slough, some of which may not understand their rights and entitlements as private tenants. Better enforcement will benefit these groups also.

Religion and Belief:

Census data for Slough (2011) indicated that the population has the following characteristics in relation to religious beliefs:

Data on the religion of the population by electoral ward is as follows:

	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	People with no religion
Slough	41.2	0.5	6.2	0.1	23.3	10.6	0.3	12.1
Baylis and Stoke	25.9	0.1	4.1	0.0	45.1	11.9	0.5	6.7
Britwell and Northborough	56.2	0.2	2.4	0.0	11.4	2.7	0.4	20.1
Central	33.1	0.8	6.8	0.1	36.4	7.1	0.5	9.5
Chalvey	32.9	0.5	6.4	0.0	38.6	6.6	0.3	8.9
Cippenham Green	51.1	0.6	4.6	0.0	13.6	7.3	0.4	16.4
Cippenham Meadows	42.6	0.5	7.1	0.0	19.9	9.6	0.3	14.5
Colnbrook with Poyle	49.0	1.1	5.6	0.0	11.6	11.0	0.4	15.9
Elliman	32.7	0.6	5.4	0.0	35.0	13.3	0.4	7.3
Farnham	39.3	0.8	5.6	0.0	25.9	14.7	0.3	8.0
Foxborough	50.6	0.8	5.6	0.0	14.7	6.1	0.4	15.1
Haymill and Lynch Hill	55.2	0.6	4.2	0.1	7.7	5.6	0.3	20.0

Langley Kedermister	43.2	0.5	8.9	0.1	15.3	12.7	0.4	13.9
Langley St Mary's	47.6	0.3	7.9	0.1	11.0	13.1	0.4	13.9
Upton	29.0	0.5	12.7	0.0	19.7	25.0	0.3	7.5
Wexham Lea	38.0	0.3	4.7	0.2	31.3	12.1	0.2	7.9

The data indicates that the wards affected by Selective Licensing have comparatively large proportions of their populations identifying as Muslim compared to the Slough population at large. Consequently, the Muslim population could be disproportionately affected by the introduction of the licensing decisions policy. The effects could be both positive and negative as Muslim residents living in the areas are likely to benefit from improved property management of rented property; along with residents of all religions and none. However, improved regulation and any increases in enforcement action that result from the policies might negatively affect some non-compliant landlords. Also it is important to note that the population data relates to those living in the area and not to the landlords or owners of the properties in the area. It is possible that the demographic characteristics of the landlords operating in Slough do not precisely reflect the demographic characteristics local residential population.

Sex: Anecdotal evidence suggests that young single males without dependents are more likely to live in HMOs than the general population therefore they are likely to benefit from these policies and their implementation. However, Landlords are also more likely to be male so there will be both a positive impact on them through improved transparency, information etc. (as described in previous sections); and a negative effect if there is an increase in the amount of enforcement leading to sanctions.

Sexual orientation:

There is limited data available on this characteristic and private rented housing. There is no reason to believe that there will be a disproportionate impact on persons of a specific sexual orientation.

Other:

4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <p>Tenants of privately rented properties are more likely to be younger, non-white, and lower paid therefore improved consistent regulation of the private rented sector, is likely to disproportionately benefit these groups.</p> <p>However, landlords, who are more likely to be from an older age group, white and from less deprived backgrounds will also benefit from a more transparent regulatory environment where legal requirements and expectations are communicated clearly in writing. It also gives all those subject to enforcement action information on which to make representations or legal challenges, therefore improving access to justice for everyone.</p>
5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>The policies are designed to promote fair and transparent enforcement in the private rented sector. As the enforcement decisions guided by these policies will primarily, though not exclusively, relate to those who own or manage property there could be an inequitable negative impact on older age groups who are more likely to be landlords; particularly if the policies lead to an increase in enforcement action.</p> <p>However, this is acceptable as enforcement will be targeted at those that are breaching rules that are designed to protect the health and well-being of residents and the wider community and consequently, in the longer term, improved enforcement will benefit everyone, including compliant landlords. Furthermore, the publication of these policies benefits even those subject to enforcement action, providing them with a clear basis for legitimate challenge of enforcement decisions. It also allows the Council to be held to account for the principles of consistency, fairness and proportionality.</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <p>The Data sources used to inform this assessment have been drawn from publicly available sources such as the Census, via the Council's online 'Insight Tool'..</p>

	<p>The housing regulation team does not routinely gather equalities monitoring data in the performance of their functions and therefore certain assumptions have been made about the demographic characteristics in Slough, based on publically available local data and trends at the national level. This may affect the reliability of the assessment.</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results, e.g. have the staff forums/unions/ community groups been involved?</p> <p>The specific policies have not been subject to consultation as they do not reflect a significant divergence from the current approach to decision making but rather seek to record in written form policies already being implemented; There are elements of the housing regulation team’s functions that have been subject to extensive public consultation particularly the introduction of the Selective and Additional licensing schemes in 2019 and the results of that consultation were presented to Cabinet in March 2019.</p> <p>There is no legal requirement for the policies to be subjected to public consultation and there is no precedent for enforcement policies at Slough Borough Council to be subjected to public consultation.</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>As already stated the policies do not constitute a significant departure from current decision making processes but rather formalise and record them. Consequently it is unlikely that the policies will have an effect on community relations.</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>The policies themselves are designed to improve transparency and consistency in decision making and to encourage officers to reflect more deeply on the rationale for their enforcement decisions. Alongside the introduction of the policies the team are implementing procedures that improve scrutiny of enforcement decisions through peer review. For example, many licensing decisions relating to HMOs are now discussed at regular panel meetings made up of property licensing coordinators and housing regulation officers, to ensure that the decisions are balanced and proportionate. These meetings also involve consideration of the risks associated with taking certain enforcement decisions which should help to reduce the risk of unforeseen consequences.</p>

	<p>It is routine practice for enforcement decisions to include consideration of the potential impacts on vulnerable groups; indeed officers are legally required to provide a statement of reasons for taking their chosen course of action when enforcing certain elements of the Housing Act 2004.</p> <p>Where the housing regulation team is minded to take criminal proceedings for an offence or to issue a civil penalty there are a series of checks and balances built into the process including quality assurance and oversight by the housing regulation manager, group manager and in the case of criminal proceedings, HB law..</p> <p>;</p>
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <ul style="list-style-type: none"> • Assuming the policies are approved, within the first 12 months regular governance and performance management discussions between the housing regulation manager and the group manager for community safety, housing regulation and enforcement will be used to monitor the impact of the policies; 12 months from the date of implementation the housing regulation team will conduct a formal review of the impact of the policies on the level of enforcement as measured by the number of formal actions; the success of the enforcement action as measured by the number of cases resolved and number of successful challenges; and the qualitative impact on residents, particularly in relation to hazards removed from properties etc. As part of this review the housing regulation team will undertake an analysis of a sample of cases in an attempt to identify any unintended impacts associated with the implementation of the policies. If necessary a further EIA will be completed and amendments made to the policies. The review will be recorded and escalated to the relevant Director/Associate Director in the first instance. Substantial changes will be subject to further member scrutiny and approval. • The housing regulation team will explore the possibility of gathering relevant demographic data from clients subject to all relevant data protection requirements and the Council's policies. The team will look at the benefits and risks associated with the collection of such data and the technical feasibility of collection using the current systems and processes. • In order to better understand the impacts of the property licensing schemes the housing regulation team, one option would be to collect equalities monitoring data from licence holders and the occupants of licensed properties via an anonymous survey which individuals will be invited to complete via an online form. This will be analysed to identify if there are any unintentional impacts associated with the schemes. The data will have certain limitations as respondents will be self- selecting, and many may choose not to respond

What course of action does this EIA suggest you take? More than one of the following may apply	✓
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

Action Plan and Timetable for Implementation

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date

Name: _____

Signed:(Person completing the EIA)
Name:
Signed:(Policy Lead if not same as above)
Date: