



Equality Impact Assessment

Part 1 - Initial Assessment or screening

Name of Policy/Function: Civil penalty as an alternative to prosecution under the Housing Act 2004	X	This is new
		This is a change to an existing policy
		This is an existing policy, not previously assessed

Date of screening	11/6/18
Name of screener	Tony Cawthorne

1. Briefly describe its aims & objectives

The Policy is required due to The Housing and Planning Act 2016 amending the Housing Act 2004 to allow financial penalties, up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences

2. Are there external considerations? (Legislation/government directive etc)

The Government's Department for Communities and Local Government (DCLG) published the following document: "Civil Penalties under the Housing and planning Act 2016:- Guidance for Local Authorities" under the Housing and Planning Act 2016: Guidance for Local Authorities". This statutory guidance, to which local housing authorities must have regard, recommends certain factors a local authority should take into account when deciding on the level of civil financial penalty and further recommends that local authorities develop and document their own policy on determining the appropriate level of financial penalty in a particular case. In addition In accordance with the new Housing Act 2004 S 249A(4) the amount of a financial penalty is to be determined by the local housing authority.

3. Who are the stakeholders and what are their interests?

Landlords
Letting Agents
Private Rented Sector Tenants

4. What outcomes do we want to achieve and for whom?

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 this policy as to how it will do so.

The Council has decided to largely base this policy on the principles set out in the Sentencing Council Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guide which this Council considers to be the

most relevant sentencing guidance issued by the Sentencing Council. The Sentencing Council have set out a range of fines which are linked to the culpability of the offender and the actual and potential harm resulting from the offence.

The range of financial penalties in this guidance use similar ratios to those that are used by the Sentencing Council because these ensure that penalty levels are fair, appropriate and reasonable for the seriousness of the offence.

5. Has any consultation/research been carried out?

Yes

Views were sought from landlords, agents and tenants and were taken into consideration when finalising this guidance. See appendix 1 of the Policy document for a list of the consultees. Acknowledgment also to Bristol City Council and the Local Government Association in the formation of this Policy who undertook the consultation.

6. Are there any concerns at this stage which indicate the possibility of inequalities/negative impacts? (Consider & identify any evidence you have - equality data relating to usage & satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

The policy does not impact on any particular inequalities in the Borough area as it applies to all tenants in privately rented properties covered by the regulations all Landlords and Letting Agents

7. Could a particular group be affected differently in either a negative or positive way?

(**Positive** – it could benefit, **Negative** – it could disadvantage, **Neutral** – neither positive nor negative impact or **Not sure?**)

	Type of impact, reason & any evidence
Disability	Neutral
Race (including Gypsy & Traveller)	Neutral
Age	Neutral
Gender Reassignment	Neutral
Sex	Neutral
Sexual Orientation	Neutral
Religion/Belief	Neutral
Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Neutral

8. Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?

No

9. Are there any human rights implications?

No - The policy does not impact on any particular Human rights in the Borough area as it applies to all tenants in privately rented properties covered by the regulations and all Landlords and Letting Agents

10. Is there an opportunity to promote equality and/or good community relations?

No

11. If you have indicated a negative impact for any group is that impact legal (not discriminatory under anti-discrimination legislation)?

No

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

No

13. Is a full impact assessment required?

No

14. Date by which a full impact assessment is to be completed and actions

N/A

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full impact assessment **is / is not required*** (please delete as appropriate).

Completed by Tony Cawthorne Date: 15/06/18

Countersigned by: Paulette J Samuels Date: 15/06/18