

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Enforcement Private Rented Sector Policy
Brief Service Profile (including number of customers)	
<p>Southampton has a large private rented sector of around 25,000 properties accounting for approximately a quarter of the housing stock in the city.</p> <p>The council has statutory responsibilities under the Housing Act 2004 and Housing and Planning Act 2016 to undertake duties in relation to the enforcement of the private rented sector in Southampton.</p> <p>The Housing and Planning Act 2016 introduced new powers for local authorities and updated the Housing Act 2004 in relation to certain functions.</p> <p>The Housing and Planning Act 2016 introduced Civil Penalty Notices as an alternative to prosecution for certain Housing Act 2004 offences. Financial penalty notices to the maximum value of £30,000 can be issued. Before making use of these powers a local authority should determine its own level of fees and publish these within a policy. The Private Rented Sector Enforcement Policy includes detail on the scheme and the matrix used to determine the level of fines. In summary there are twelve categories of fines ranging from £25-£30,000. The level of fine will be determined by assessing the culpability of the landlord and the harm of the offence to the tenant.</p> <p>In 2018 the secretary of state established a national database of rogue landlords and property agents. The council is authorised to add any qualifying rogue landlords to the database and the policy details how this will be administered.</p> <p>Under new powers contained in the Housing and Planning Act 2016 the council can</p>	

apply to the First-tier tribunal for a banning order to prevent a landlord from operating as such. The policy establishes the council's policy on banning orders.

Summary of Impact and Issues

The draft Enforcement Private Rented Sector Policy provides guidance for officers, businesses and members of the public on the principle and processes which will apply when enforcement action is considered or taken. This policy should be read in conjunction with the council's Enforcement Policy, which outlines the principles the principles of enforcement the council will follow and apply.

Southampton City Council recognises that the vast majority of Private Rented Sector Landlords in Southampton abide by the law. The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare or breach of legislation enforced by the council.

This policy should not adversely affect any specific groups as one of the principles it outlines is consistency of enforcement. Consistent enforcement means that there should not be discrimination on the grounds of any protected characteristic outlined in the Equality Act 2010.

The policy contains guidance on the use of management orders and empty dwelling management orders following updates to the legislation following the implementation of the Housing and Planning Act 2016.

The published policy provides guidance on all aspects of the enforcement regime and will ensure that the council operates in a consistent manner in relation to the enforcement of the private housing sector.

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Potential Positive Impacts

This policy should have a positive impact on community safety because it enables the council to effectively enforce against activities that threaten community safety.

Furthermore, the policy ensures that enforcement activity undertaken by Southampton City Council is proportionate, consistent and transparent, and that the council is accountable for its activity.

Responsible Service Manager	Steven Hayes-Arter, Service Manager for HMO licensing & Adaptations
Date	
Approved by Senior Manager	Rosie Zambra – Service Lead - Environment, Street Scene & Health

Date	
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Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	No identified negative impacts	N/A
Disability	No identified negative impacts	N/A
Gender Reassignment	No identified negative impacts	N/A
Marriage and Civil Partnership	No identified negative impacts	N/A
Pregnancy and Maternity	No identified negative impacts	N/A
Race	No identified negative impacts	N/A
Religion or Belief	No identified negative impacts	N/A
Sex	No identified negative impacts	N/A
Sexual Orientation	No identified negative impacts	N/A
Community Safety	There is a significant number of Assured shorthold tenancies granted in the private sector mostly on a fixed term for 6 months. Evidence suggests that if tenants complain about housing standards some landlords choose to evict them using the no fault route. There is a possible negative effect on community stability as well as health and wellbeing as tenants may have to change schools and friendships etc.	We will continue to work with the HMO landlord forum and other stakeholders to encourage compliance. We will provide advice and information to tenants in compliance with our duties under Housing and Homelessness legislation. The government has announced their plan to end the no fault eviction process. The policy will be implemented in compliance with all relevant legislation and having due regard to PSED.
Poverty	There is a significant number of Assured shorthold tenancies granted in the private sector mostly on a fixed term for 6 months. Evidence suggests that if tenants	We will continue to work with the HMO landlord forum and other stakeholders to encourage compliance. We will provide

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>complain about housing standards some landlords choose to evict them using the no fault route. There is a possible negative effect on tenants who are living in poverty who will be less able to move to new accommodation e.g. funding an upfront deposit.</p>	<p>advice and information to tenants in compliance with our duties under Housing and Homelessness legislation. The government has announced their plan to end the no fault eviction process. The policy will be implemented in compliance with all relevant legislation and having due regard to PSED.</p>
Health & Wellbeing	<p>There is a significant number of Assured shorthold tenancies granted in the private sector mostly on a fixed term for 6 months. Evidence suggests that if tenants complain about housing standards some landlords choose to evict them using the no fault route. There is a possible negative effect on health and wellbeing as tenants may be forced to live in poor housing conditions as they fear reporting it may put their tenancy at risk.</p>	<p>We will continue to work with the HMO landlord forum and other stakeholders to encourage compliance. We will provide advice and information to tenants in compliance with our duties under Housing and Homelessness legislation. The government has announced their plan to end the no fault eviction process. The policy will be implemented in compliance with all relevant legislation and having due regard to PSED.</p>
Other Significant Impacts	No identified negative impacts	N/A