

Uttlesford District Council
Public Services
Environmental Health

Private Sector Housing
Enforcement Policy

Table of Contents	Page No
Policy Statement	4
Aims of Policy	4
Contextual Information	5
Key Elements of Policy	6
• Introduction	6
• Partnership Working	7
• Authorisation and Delegation	7
• Training	7
• Powers of Entry	7
• Housing Enforcement Action	8
• Enforcement Decisions	12
• Civil Penalties	14
• The Process for Imposing Penalty Charges	15
• Consequences of Non Payment & Misc Provisions	16
• Links to the National Database	16
• Method for determining the level of Civil Penalty	16
Key contact for this Policy	17
Link to Corporate Plan Priorities	17
Policy Monitoring	17
Complaint, Change and Modification	17
Appendix A - Civil Penalty Matrix	19
Appendix B - Assessment Table	25
Appendix C – Guide to Applying Matrix (Elec Safety Regs)	30
Appendix D – Statement of Principles (Smoke and CO2 Regs)	31
Appendix E - Energy Efficiency Penalty Charges	32
Appendix F – Equality Impact Assessment	33

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Private Sector Housing Enforcement Policy

POLICY STATEMENT

This policy is a general statement of the approaches to be taken regarding specific enforcement activities concerning Private Sector Housing. It has regards to Corporate Enforcement Policy & associated Service Standards.

Uttlesford Council will:

- Ensure that officers take a transparent, consistent, and fair approach when making enforcement decisions.
- Support good landlords and deal robustly with criminal, rogue and irresponsible landlords.

AIMS OF POLICY

- To protect those in greatest need from harm associated with poor housing conditions.
- Ensures that enforcement action is proportionate to the seriousness of failure to comply with statutory requirements.
- To raise standards in private sector housing.
- To provide a transparent and consistent approach to enforcement.
- Ensures that the policy aligns with the Regulators Compliance Code.

CONTEXTUAL INFORMATION

Update Overview

This policy updates the previous Private Sector Housing Enforcement Policy approved by Cabinet in November 2019.

Since this time there have been several changes in legislation and the policy has been updated to reflect these changes. It also includes a revised approach to issuing civil penalties.

Legislative Context

Environmental Health has delegated powers to enforce standards in the private sector by service of statutory notices using a variety of legislation instruments including:-

Housing Act 2004

- Sections 254 and 257 Housing in Multiple Occupation (HMOs)
- Licensing of HMOs Part 2 – Housing Act
- Interim and Final Management Orders - Part 4 Housing Act

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended)

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

The Housing and Planning Act 2016 (Banning Orders, database of rogue landlords, civil penalties, rent repayment orders.)

A range of enforcement options will be used in accordance with the Housing Health and Safety Rating System (HHSRS) Enforcement Guidance, issued by the Office of the Deputy Prime Minister

Policy Scope:

The private rented sector makes up an important part of the housing market in Uttlesford with 16% of all households privately renting. Due to the proximity to London and Cambridge the cost of buying or renting property is high.

In the past 10 years the percentage of privately rented housing has increased by 5% and due to the economic climate and challenges around housing demand and supply it is likely that the private rented sector is likely to continue to grow.

Poor housing has a direct link to poor health, comfort, and mental wellbeing. The council believes that the private rented sector should be well managed and that everyone has the right to live in decent, safe accommodation.

This policy details how the council will regulate standards in private rented housing. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to make sure the approach is consistent among officers. It also helps members of the public know what to expect from the service. An enforcement policy also provides clarity if the council takes legal proceedings or enforcement action is appealed against.

In developing this policy, we must remain impartial to both landlord and tenant. We will help and advise to achieve our aim but we must also be firm in taking enforcement action if considered appropriate.

Related Policies & Corporate Governance Matters

This policy aligns with the Councils Housing Strategy 2021 – 2016

KEY ELEMENTS OF POLICY

INTRODUCTION

Uttlesford District Council's (UDC) Environmental Health Service is responsible for the enforcement of a wide range of law (or statutory provisions) which is centred mostly on securing public health and safety, the regulation of the trading environment, housing and the protection of the environment.

This policy outlines the service's approach for dealing specifically with private sector housing offences and links with the Council's corporate vision to promote thriving, safe and healthy communities, specifically to improve private sector housing conditions for UDC's residents.

The majority of landlords in Uttlesford provide well maintained properties let responsibly. However, there are number of rogue or irresponsible landlords in the district who knowingly rent out accommodation that is unlicensed, substandard and/or unsafe.

The Council aims to support the government's policy to support good landlords who provide decent well-maintained homes and avoid unnecessary regulation which increases costs and red tape for landlords and also pushes up rents for tenants.

The Council is committed to making full use of the range of powers available to improve standards in Uttlesford's privately rented housing sector.

Since 6 April 2017, local housing authorities have had the power to impose civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences. Rent repayment orders have also been extended to cover a wider range of offences.

Guidance issued by the Secretary of State requires each local authority to have a policy to when civil penalties will be used, and to detail the level of penalties that will be imposed. It is expected that the maximum amount, of £30,000 will be reserved for the worst (repeat) offenders. The actual amount levied in any case should reflect the severity of the offence as well as the landlords previous record of offending.

This policy outlines how the Council will use these powers, how it will decide when to prosecute and when to impose a civil penalty, and how it will determine the size of each civil penalty.

The policy is designed to ensure transparency, consistency, and fairness in how and when civil penalties are imposed. The policy will help the Council to promote and support good landlords and deal robustly with criminal, rogue and irresponsible landlords.

PARTNERSHIP WORKING

It is acknowledged that landlords may have a property portfolio spread across different administrative Council boundaries. In addition, when dealing with matters relating to housing enforcement, officers need to share information with other Local Authorities, Police, Fire Authority, and Immigration Enforcement. Where possible the service will take a multi- agency approach for dealing with housing related offences.

AUTHORISATION AND DELEGATION

In relation to the legislation, part 3 of the Council's constitution sets out the delegated authority to:

- commence a prosecution
- authorise named officers for enforcement

TRAINING

The Council will provide appropriate initial and updated training to all officers authorised to deal with private sector housing enforcement to enable officers to carry out their duties efficiently and effectively. This will include the following:

- (a) Minimum update training of 5 hours per year for continual professional training.
- (b) Minimum of 10 hours revision training for authorised officers returning to private sector housing enforcement.
- (c) Minimum of three months monitoring of newly qualified or appointed Officers or Officers returning to environmental enforcement duties after an absence of more than 3 years.

POWERS OF ENTRY

In certain circumstances, powers of entry into a property are provided to authorised officers. In general the powers will allow an officer at any reasonable time to;

- Enter a property to carry out an inspection and gather evidence
- Take someone with them
- Take equipment or materials with them
- Take measurements, photographs or make recordings
- Leave recording equipment for later collection
- Take samples of articles or substances; and in some cases to carry out works.

In most cases prior notice must be given to owners and to the occupiers. The notice given depends on the legislation being enforced, but is typically 24 hours. Notice that powers of entry need to be carried out will normally be in writing or by email but can in some circumstances be given verbally, depending on the relevant statutory provision.

Where formal inspection is required in accordance with Section 4(1) (to determine whether category 1 or 2 hazards exist) of the Housing Act 2004, a notice of entry will be issued in writing under S.239 of the Act.

Where the local housing authority consider that any premises need to be entered for the purpose of ascertaining whether an offence has been committed under sections 72, 95 or 234(3), HMO management or licensing requirements, the authorised officer may enter the premises at any reasonable time without giving any prior notice.

Powers of entry can be enforced with a warrant. The Police will accompany officers where that is appropriate. Officers exercising their power of entry will carry identification and details of their authorisation to carry out their action.

Officers will have regards to the Home Office Code of Practice, Powers of Entry (December 2014 or most recent version). The Code provides guidance and sets out considerations that apply before, during and after powers of entry and associated powers are exercised including those circumstances where entry is exercised with the consent of an occupier.

HOUSING ENFORCEMENT ACTION

HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

The HHSRS is a risk based assessment tool which is used by environmental health officers to assess the risk (the likelihood and severity) of a hazard in residential housing to the health and safety of occupants or visitors. The HHSRS is tenure neutral; it can be used to assess hazards in private and social rented housing and also in owner occupied housing.

The [Housing Health and Safety Rating System \(HHSRS\)](#) assesses 29 housing hazards and the effect that each may have on the health and safety of current or future occupants of the property. The HHSRS provides a way that hazards can be assessed and the best way of dealing with them identified.

If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard.

The following 29 hazards are assessed during a formal HHSRS inspection:

Number	Hazard	Health Effects
1	Damp and mould growth Health threats due to dust mites, mould or fungal including mental and social wellbeing health threats associated with damp, humid and mouldy conditions	Allergies, asthma, effects of toxins from mould and fungal infections
2	Excess cold Threats to health from cold indoor temperatures. A healthy indoor temperature is 18°C to 21°C	Respiratory conditions: flu, pneumonia and bronchitis Cardiovascular conditions: heart attacks and strokes
3	Excess heat Threats due to high indoor temperatures	Dehydration, trauma, stroke, cardiovascular and respiratory
4	Asbestos and MMF Exposure to asbestos fibres and Manufactured Mineral Fibres (MMF)	Asbestos: Damage to lungs MMF: Damage to skin, eyes and lungs

Number	Hazard	Health Effects
5	Biocides Threats to health from chemicals used to treat timber and mould growth	Risk from breathing in, skin contact and swallowing of the chemical
6	Carbon Monoxide and fuel combustion products Excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke	Dizziness, nausea, headaches, disorientation, unconsciousness and breathing problems
7	Lead Threats to health from lead ingestion from paint, water pipes, soil and fumes from leaded petrol	Lead poisoning causing nervous disorders, mental health and blood production issues
8	Radiation Health threats from radon gas and its daughters, primarily airborne but also radon dissolved in water	Lung cancer caused by exposure, which increases amount and length of exposure
9	Uncombusted fuel gas Threat from fuel gas escaping into the atmosphere within a property	Suffocation
10	Volatile organic compounds Threat to health from a diverse group of organic chemicals including formaldehyde that are gaseous at room temperature and can be found in a wide variety of materials in the home	Allergies, irritation to the eyes, nose and skin, headaches, nausea, dizziness and drowsiness
11	Crowding and space Hazards associated with lack of space for living, sleeping and normal household or family life	Psychological distress and mental disorders, increased risk of hygiene issues, accidents and personal space and privacy compromised
12	Entry by intruders Problems keeping a property secure against unauthorised entry and maintaining defensible space	Fear of burglary occurring, stress and anguish caused by burglary and injuries caused by the intruder
13	Lighting Threats to physical and mental health associated with inadequate natural or artificial light, including the psychological effects associated with the view from the property through glazing	Depression and psychological effects due to lack of natural light. Eye strain from glare and inadequate light
14	Noise Threats to physical and mental health due to exposure to noise within the property or within its curtilage	Psychological and physiological changes resulting from lack of sleep, poor concentration, headaches and anxiety
15	Domestic hygiene, pests and refuse Health hazards due to poor design, layout and construction making it hard to keep clean and hygienic, attracting pests and inadequate and unhygienic provision for storing household waste	Stomach and intestinal disease, infection, asthma, allergies, disease from rats and physical hazards

Number	Hazard	Health Effects
16	Food safety Threats of infection from poor provision and facilities to store, prepare and cook food	Stomach and intestinal disease, diarrhoea, vomiting, stomach upset and dehydration
17	Personal hygiene, sanitation and drainage Threats of infections and threat to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation and drainage	Stomach and intestinal disease, skin infections and depression
18	Water supply Threats to health from contamination by bacteria, parasites, viruses and chemical pollutants due to the quality of water supply for drinking household use such as cooking, washing and sanitation	Dehydration, fatigue, headaches, dry skin, bladder infections and legionnaires disease
19	Falls associated with baths Falls associated with a bath, shower or similar facility	Physical injuries: cuts, lacerations, swellings and bruising.
20	Falls on the level surfaces Falls on any level surface such as floor, yards and paths, including falls associated with trip steps, thresholds or ramps where the change in level is less than 300mm	Physical injuries: bruising, fractures, head, brain and spinal injuries
21	Falls associated with stairs and steps Falls associated with stairs and ramps where the change in level is greater than 300mm. It includes internal stairs or ramps within a property, external steps or ramps associated with the property, access to the property and to shared facilities or means of escape from fire and falls over stairs, ramp or step guarding	Physical injuries: bruising, fractures, head, brain and spinal injuries
22	Falls between levels Falls from one level to another, inside or outside a dwelling where the difference is more than 300mm. Including falls from balconies, landings or out of windows	Physical injuries
23	Electrical hazards Hazards from electric shock and electricity burns	Electric shock and burns
24	Fire Threats to health from exposure to uncontrolled fire and associated smoke. It includes injuries from clothing catching fire, a common injuring when trying to put a fire out.	Burns, being overcome by smoke or death
25	Flames, hot surfaces and materials Burns or injuries caused by contact with a hot flame or fire, hot objects and non-water based liquids. Scalds caused by contact with hot liquids and vapours.	Burns, scalds, permanent scarring and death.

Number	Hazard	Health Effects
26	Collision and entrapment Risks of physical injuries from trapping body parts in architectural features such as trapping fingers in doors and windows and colliding with objects such as windows, doors and low ceilings	Physical injuries such as cuts and bruising to the body
27	Explosions Threats from the blast of an explosion, from debris generated by the blast and from partial or total collapse of a building as a result of the explosion	Physical injuries, crushing, bruising, puncture, fractures, head, brain and spinal injuries.
28	Ergonomics Threats of physical strain associated with functional space and other features at the dwelling	Strain and sprain injuries
29	Structural collapse and falling elements The threat of the dwelling collapsing or part of the fabric being displaced or falling due to inadequate fixing or disrepair or as a result of adverse weather conditions.	Physical injuries

In line with the Corporate Enforcement Policy, the Council in most cases will take a stepped approach to enforcement. This means where there is a lower risk of harm and minor breaches of responsibilities, the Council will in most circumstances notify the landlord, letting agent, or property manager of the breach through advisory or warning letters or notices and provide a reasonable time period to comply. The council may also sign post to other routes for resolution where appropriate. However, the type of enforcement taken will vary according to the legislation being applied - in some cases, taking enforcement action is a statutory duty, provided certain criteria are met.

Where these approaches fail, or if there is a persistent or deliberate failure to comply, act unreasonably or where breaches are likely to cause significant harm, officers will use the full range of enforcement options available to them under the relevant legislation to achieve compliance to protect those at risk. In the most serious contraventions possible action will include prosecution. The type of enforcement action pursued is always considered on a case-by-case basis, based on its own merits and having regard to specific government guidance where applicable. Following consideration of the specific circumstances of the particular case the most appropriate enforcement option will be applied accordingly. In every case enforcement seeks to:

- Promote and achieve sustained compliance with the law
- Ensure that landlords and letting agents take action to deal immediately with serious risks or harm or potential consumer harm
- Ensure that landlords and letting agents who breach legislative requirements are held to account and fair and effective penalties are imposed where appropriate

The Council will seek to secure compliance with regulatory legislation through the use of the following courses of action:

- Use of informal action, written guidance, advice and notices
- By refusal, revocation or the attachment of conditions to a licence

- By the use of various management orders
- By the use of statutory notices
- By issuing simple cautions
- By carrying out work in default
- By prosecution
- By the use of civil penalties
- By using anti-social behaviour powers

ENFORCEMENT DECISIONS

Enforcement action will be based on risk and we must also have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance. Enforcement Officers are required to make informed judgements and will be suitably trained for this responsibility. They will decide on appropriate action after considering the criteria within this Policy and any relevant written procedures. All formal action will be subject to case / peer review. A senior officer will give prior approval to all formal action falling outside the scope of this policy.

The following table contains some examples of situations where different types of action may be taken. Decisions are made, however, on a case-by-case basis.

Action	Circumstances
No action	Where formal action may not be appropriate. In such cases, customers may be directed to other sources of advice and support.
Informal action and advice includes verbal advice and advisory letters	Where it is recognised that an informal approach can remedy the problem early without the need for delay or escalation to enforcement action. This is often a pre-formal stage of the HHSRS assessment process, allowing officers to working collaboratively with responsible landlords to address and resolve any problems.
Service of formal Housing Act Notices and/or correspondence (HMO) requiring repairs	<ul style="list-style-type: none"> • Where there is a lack of confidence or there is positive intelligence that the responsible individual or company will not respond to a pre-formal approach, and/or • Where there is risk to the health, safety and wellbeing of a household or a member of the public (dangerous gas or electrical services; no heating in the winter; no hot water for personal hygiene or to wash and prepare food safely; etc), and/or • Where standards are extremely poor and the responsible individual or company shows little or no awareness of the management regulations or statutory requirements, and/or; • Where the person has a history of non-compliance with the Council and/or other relevant regulators, and/or; • Where the person has a record of criminal convictions for failure to comply with the housing requirements (which may include housing management).
Powers to require information and/or documents	Where it is necessary for documents and information to be provided to enable officers to carry out their powers and duties

Remedial Notice	A remedial notice must be served where the local housing authority is satisfied on the balance of probabilities that a landlord has not complied with one or more of their duties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and/or The Smoke and Carbon Monoxide Alarm regulations 2015 (as amended)
Emergency Remedial Action / Emergency Prohibition Order	Where there is an imminent risk of serious harm to the health and safety of any occupiers and visitors of the premises or any other residential premises
Revocation of HMO Licenses and Approvals	Where the Manager is not a “fit and proper person”; and/or Where there are serious breaches of the licensing conditions and/or serious management offences.
Simple Caution	Where an offence is less serious and the person who has committed the offence has admitted their guilt. In such cases, a Simple Caution may be offered (as an alternative to Court or Civil Penalty action, and on the understanding that the Council’s costs will be paid by the offender) where it is likely that they will heed a warning about their behaviour and the legal consequences if they commit further offences.
Civil Penalties	Where the authority considers the offence is suitable to be dealt with by a civil penalty (see 8 below)
Prosecution	Where the authority consider the offence is not suitable to be dealt with by way of a Civil Penalty or a Civil Penalty is not available for the type of offence.
Rent Repayment Order (RRO)	RRO will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72 (1)). Breach of a banning order made under section 21 of the Housing and Planning Act 2016. Where a landlord is convicted of a relevant offence and they received a significant amount of housing benefit, a RRO application may be made to the First Tier Tribunal. Tenants will be signposted to other agencies who may be able to assist them with an RRO application as appropriate.
Banning Order	The Council may decide to seek a Banning Order following the breach of ‘banning order offences’ as described in the schedule to The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. We will follow the guidance issued by DCLG when considering when to take this action: DCLG Guidance Banning Orders .

CIVIL PENALTIES

The Housing and Planning Act 2016 enables Local authorities to impose Civil penalties as an alternative to prosecution for certain offences under the Housing act 2004. In particular the relevant offences are:

- Section 30 of the Housing Act 2004 – Failing to comply with an Improvement Notice
- Section 72 of the Housing Act 2004 – Offences in relation to the licensing of Houses in Multiple Occupation
- Section 95 of the Housing Act 2004 – Offences in relation to the licensing of houses under Part 3 of the Housing Act 2004 (Selective Licensing of Residential Accommodation)
- Section 139 of the Housing Act 2004 – Offences in relation to the contravention of an overcrowding notice
- Section 234 of the Housing Act 2004 – Failure to comply with Management Regulations in respect of Houses in Multiple Occupation.
- Regulation 3 & 5 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- Regulation 4 & 6 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Regulation 23, 27 & 37(4)(a) of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- Section 21 Housing and Planning Act 2016 (Banning orders only)

In deciding how to proceed, the Council must be satisfied that they have sufficient evidence to prove that an offence has been committed. This needs to be based on the criminal burden of proof, i.e. beyond reasonable doubt. In determining that the issuing of a civil penalty as opposed to prosecution is the appropriate course of action the Council will consider each case individually and will take into consideration factors including the seriousness of the offence; the culpability of the offender; the harm, or potential harm to tenants; and the impact on the wider community.

In making a decision as to what, if any, enforcement action is appropriate the Council will refer to the Corporate Enforcement Policy, and must also have regard to the Code for Crown Prosecutors. Due regard must also be given to any potential defence and it may be appropriate to undertake an interview under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) to explore this.

When the Council is satisfied that a relevant offence has been committed and that it is in the public interest to proceed formally it must decide whether to prosecute or issue a civil penalty.

The following, whilst not exhaustive, are situations where prosecution may be appropriate:

- The offence was serious, for example breach of a prohibition order or where there was imminent risk of injury or loss of life;
- The offender has been prosecuted or received multiple penalties for similar Housing Act offences.

The following factors, whilst not exhaustive, are situations where the issuing of a civil penalty may be appropriate:

- No history of previous non-compliance with relevant legislation
- No previous convictions of relevant offences

- The offence was committed because of a genuine mistake or misunderstanding, but this must be balanced against the seriousness of the offence.
- Prosecution is likely to have a serious adverse effect upon the offenders physical or mental wellbeing, but this must be balanced against the seriousness of the offence.

The Housing and Planning Act 2016 also specifies that the amount of penalty that can be imposed is to be determined by the Council but must not be more than £30,000. The Government's desire is that the penalty should be a punishment which has a real economic impact to the offender.

In determining the amount of penalty Officers will use a Financial Penalty Matrix (see Appendix 1) which takes into account relevant matters including, but not limited to:

- The penalty should act as a deterrent to repeating the offence, and to others from committing similar offences;
- The penalty should remove any financial benefit obtained as a result of the commission of the offence;
- The severity and seriousness of the offence;
- The culpability and past history of the offender;
- The harm, or potential harm, caused to the tenant;

The approach to determine the correct penalty is provided within Appendix 2. The Civil Penalty Charge scheme fines range from a starting assessment baseline of £750 for low culpability, low severity and first offence situations to £30,000 for the most serious repeat offenders. Further guidance on other penalties are listed within Appendix 3,4 &5 for breaches of smoke/ carbon monoxide, electrical safety and MEES regulations.

PROCESS FOR IMPOSING PENALTY CHARGES

Where it has been determined that a Civil Penalty Charge as opposed to prosecution is the appropriate course of action the Council will follow the following process:

- 1) A 'Notice of Intent' will be served on the person(s) responsible for the commission of the offence(s). The Notice will specify;
 - The amount of the proposed penalty
 - The reasons for the proposed penalty
 - Information relating to the right of the recipient to make representation to the Council.
- 2) The recipient of the Notice is given 28 days to make representation to the Council regarding the proposal to impose a Civil Penalty.
- 3) Following the 28 day period the Council will decide; Whether to impose the proposed financial penalty and the appropriate value. This could be varied taking into account any comments received from the recipients.
- 4) If the Council decides that a Civil Penalty is still appropriate It will issue a Final Notice which will specify;
 - The amount of the financial penalty
 - The reasons for imposing the penalty

- Information on how and when to pay the penalty
- Information regarding the right of appeal against the imposition of a Civil Penalty to the First Tier Property Tribunal
- The consequences of failure to comply with the Notice

CONSEQUENCES OF NON-PAYMENT AND MISCELLANEOUS PROVISIONS.

If the penalty charge is not fully paid within the prescribed time, including after an appeal has been finally determined and the charge upheld, the Council will seek to recover the penalty by order from a County Court including the costs incurred in taking such action where deemed appropriate.

The Council may at any time withdraw any Notices it has served or amend the amount of penalty specified.

LINKS WITH THE NATIONAL DATABASE OF 'ROGUE LANDLORDS AND LETTING AGENTS'

Upon the commencement of the statutory provisions contained in the Housing and Planning Act 2016 relating to the national Landlord and Letting Agent Database, where two Final Civil Penalty Notices have been issued to the same recipient within a 12 month period the Council may make an entry on the database. When considering if this is an appropriate course of action the Council will have regard to any guidance issued by the Government.

METHOD FOR DETERMINING THE LEVEL OF CIVIL PENALTY

We will have regard to the guidance issued by MHCLG when considering the level of penalty to impose: [MHCLG Guidance Civil Penalties](#) . The guidance requires that the following factors should be considered to ensure the civil penalty is set at an appropriate level in each case:

- 1. The severity of the offence.** The more serious the offence the higher the financial penalty should be.
- 2. Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their legal obligation and/or their actions were deliberate and/or they knew or ought to have known that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- 3. The harm caused, or risk being caused, by the offence.** This is a very important factor when determining the level of penalty. The greater the harm, or the potential for harm, the higher the amount the financial penalty should be.
- 4. Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution, whilst the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of failing to comply with their legal obligations

5. **Deter the offender from repeating the offence.** The ultimate goal of enforcement action is to prevent any further offences being committed and to help ensure that the offender fully complies with their legal responsibilities in future. The level of the penalty therefore needs to be high enough to deter the offender from repeat offending.
6. **Deter others from committing similar offences.** It is important that landlords and others who may be flouting their legal obligations are aware that the Council will issue civil penalties and see that that this is an action the Council is prepared to take and that the level of penalty is set at a high enough level to deter offending.
7. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The principle here is that the offender should not benefit as a result of committing an offence. It should not be cheaper to offend than to ensure compliance with legal provisions.

KEY CONTACT FOR THIS POLICY

- Lead Officer: Marcus Watts
- Service Area/Directorate: Environmental Health / Public Services
- Lead Member: Arthur Coote

14. LINK TO CORPORATE PLAN PRIORITIES

Corporate Priorities	Yes/No
Putting residents first	Yes
Protecting and enhancing our environment	No
Encouraging economic growth	No
Build strong communities	Yes

POLICY MONITORING

This policy shall be reviewed every four years or earlier should there be relevant changes to legislation and statutory guidance.

To be reported to Cabinet

COMPLAINT, CHANGE & MODIFICATION

Complaint

Complaints made in relation to this policy or its application shall follow the Council's

corporate complaint policy

Modification

Consequential Technical changes shall be proposed by the Environmental Health Manager (Protection) and signed off by the appropriate service Director following CMT approval.

Substantial changes and changes in powers shall be put to Cabinet for approval.

The decision on what changes will constitute minor or substantial change will be determined by CMT

Change

The Environmental Health Manager shall be responsible for reviewing /updating the policy in accordance with changes to best practice, statutory guidance and legislation. Changes made shall be presented to Cabinet for formal approval

Reference Section.

UDC Housing Strategy 2021 – 2026

Environmental Health – Private Sector Housing Enforcement Policy 2019

APPENDIX A

CIVIL PENALTY MATRIX

Officers setting civil penalties will have regard to the Uttlesford Civil Penalty Matrix. This has been developed having consideration to a system proposed by the DCLG. This will be used as a guide assessing the appropriate civil penalty to be levied. Fines must be set on a case-by-case basis, but officers must be clear of the factors informing each civil penalty.

Harm	Culpability	Starting assessment baseline
Moderate	Moderate	£750
Moderate	Substantial	£5,000
Moderate	Extreme	£10,000
Substantial	Moderate	£10,000
Substantial	Substantial	£15,000
Substantial	Extreme	£20,000
Extreme	Moderate	£15,000
Extreme	Substantial	£20,000
Extreme	Extreme	£25,000

A seven-step process will be used for setting civil penalty levels.

Step 1: Severity of the offence

Objective: to determine the level of harm that was or could have been caused by the offence

The offence to be assessed against the degree of potential or actual harm caused, both to individual tenant and more widely, for example:

- Nature/extent of hazards present.
- Vulnerability of tenants e.g. age, illness, disability, someone with language issues etc
- Evidence of discrimination/action against the tenants
- Effect on neighbouring premises
- Number of persons and/or households affected e.g. single family or HMO
- Level of risk to occupiers or third parties

Step 2: Culpability

Objective: to determine the offender's culpability as deliberate, reckless or negligent.

Renting out or managing residential property is a business and it is the responsibility of a landlord or letting agent to ensure that they are fully aware of

their legal responsibilities. Ignorance of the law is not an excuse and generally, therefore, the presumption should be that any offence was deliberately committed, or that the offender failed to inform themselves of the legal requirements, unless the landlord or letting agent can demonstrate otherwise.

The offender to be assessed against three levels of culpability:

- Deliberate: offender intended to cause harm or ignored legal responsibilities.
- Reckless: offender was reckless as to whether harm was caused or duties were not complied with.
- Negligent: failure to ensure awareness of legal responsibilities.

Step 3: Initial assessment of civil penalty

Objective: to reach an *initial assessment* of the civil penalty based on severity of the offence and culpability.

Step 4: Track record of landlord

Objective: to consider the offenders track record and issues that may influence the civil penalty.

- Has committed similar offences before
- Offence was planned
- Experienced landlord who should know responsibilities
- Owns a number of properties so should be aware of the legislation (i.e. not a single property landlord)
- Period of time over which offence(s) committed
- High level of profit from the offence/sought profit in committing
- Offender is a letting agent
- Attempt to cover up evidence of offence
- Landlord with a generally well managed portfolio

Step 5: Any mitigating factors

Objective: to consider any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc

Step 6: Revised assessment

Objective: to reach a *provisional* overall assessment of a civil penalty appropriate to the offence based on following the above steps. The civil penalty imposed should never be less than what it would have cost the landlord to comply in the first place, in order to incentivise compliance.

Step 7: Check

Check that the provisional civil penalty assessment meets the aims of the sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community

Check that the provisional assessment is proportionate and will have an appropriate impact.

- This step should take account of the offender's income and assets, and make adjustments within band or change band accordingly. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013 expressly permits the value of an offender's assets, e.g. their rental portfolio, to be taken into account when determining an appropriate penalty.
- For example, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might require adjustment to have sufficient impact, and to conform to sentencing principles above.

Offence Categories (Subject to CPN matrix)

1. Offence - Failure to comply with an Improvement Notice.

Under Part 1 of the Housing Act 2004 an Improvement Notice can be served requiring improvement and or repairs to reduce Category 1 and or 2 hazards. Hazards are identified using the Housing Health and Safety Rating System. Category 1 hazards (band A-C) are the most serious hazards and have the highest risk of harm to the occupiers. The Council has statutory duty to take enforcement action in relation to Category 1 hazards.

Following the identification of a category 1 hazard or category 1 and 2 hazards, the Enforcement Officer would contact the relevant person to advise them that a category 1 hazard had been identified, what was causing the hazard and the proposed enforcement action to be taken by the Council. If the landlord carries out the work at this stage no formal action is taken.

Where the landlord does not commence works within an appropriate timescale, and the proposed course of action is an Improvement Notice, this will be served and a charge made to the relevant person to cover the cost of service of the notice. This is currently £284.00 (23/24).

Improvement notices do not become operative for twenty one days and six to eight weeks are usually allowed for notice compliance to allow time to obtain quotes and complete the works. Where the work is still not completed, the tenant(s) will have been living in unsafe/unhealthy conditions for weeks and sometimes months and the landlord will have had a significant amount of time to comply.

There is no limit to the maximum court fine that can be levied for failure to comply with an Improvement Notice.

2. Offence - Failure to license a House in Multiple Occupation (HMO) under the Mandatory Scheme

Under Part 2 of the Housing Act 2004, higher risk HMOs, occupied by 5 or more persons forming two or more households are required to hold a mandatory HMO licence. The aim of this legislation was for local authorities to improve standards and conditions in the higher risk HMOs through licence conditions.

There is no limit to the maximum court fine that can be levied for failure to licence an HMO.

3. Offence - Failure to comply with an Overcrowding Notice

Under section 139 of the Housing Act 2004, where an HMO is not required to be licensed, an Overcrowding Notice can be served. The notice specifies:

- the maximum number of persons allowed to occupy each room as sleeping accommodation.
- Rooms unsuitable to be used as sleeping accommodation

The standards for overcrowding are low and as such overcrowded accommodation exposes the occupying tenants to significant risk and has a detrimental effect on their health.

There is no limit to the maximum court fine that can be levied for failure to comply with an Overcrowding Notice.

4. Offence - Failure to Comply with the Management of Houses in Multiple Occupation (England) Regulations

The manager of an HMO is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of HMOs falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. Duties of a manager include:-

- that certain information is provided to occupiers and to be clearly displayed
- taking safety measures, including the maintenance of fire alarms and fire-fighting equipment
- maintaining water supply and drainage
- supplying and maintaining gas and electricity
- maintaining the common parts, fixtures and appliances (including windows)
- maintaining living accommodation
- providing waste disposal facilities

A person commits an offence if he/she fails to comply with any of the Regulations.

Contraventions of the Management Regulations can be fairly minor, for example failure to display a notice containing the contact details of the manager. They can also be extreme for example failure to maintain living accommodation leaving the tenants in imminent risk.

As such a failure to comply could for each regulation be considered against any banding depending on the severity of the offence, the risk to the occupiers and the culpability of the landlord.

Up to £5,000 fine can be levied for failure to comply with each individual management regulation.

Discounts

The following discounts will apply to any civil penalty imposed in the following circumstances:

- If the offender undertakes the necessary work of compliance within the representation period of the “Notice of Intent” stage the Council will reduce the penalty by 20%
- If the offender becomes a member of a recognised landlord association during the representation period of the “Notice of Intent” stage the Council will reduce the penalty by 10%.

Income from civil penalties

Any income from Civil Penalties is retained by the Local Housing Council which imposed the penalty. The Council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

APPENDIX B

This example assessment table demonstrates how the civil penalty assessment will be completed under the Housing and Planning Act 2016. This may be revised and updated in line with the guidance contained in the committee report.

Details of offence	
Legal Contravention	
Condition of premises	
Number of tenants	
Number of households	
Any particular vulnerability of the tenants	
Had the landlord received any previous communication regarding the offence (add dates and detail of communication)	
Were any other properties affected by the offence?	
Is there evidence that	
the landlord has tried to avoid his legal responsibilities e.g. threatened the tenants or acted in a discriminatory way in relation to the tenants	

Severity of offence				
<ul style="list-style-type: none"> • Nature/extent of hazards present. • Vulnerability of tenants e.g. age, illness, disability, someone with language issues etc • Evidence of discrimination/action against the tenants • Effect on neighbouring premises • Number of persons and/or households affected e.g. single family or HMO • Level of risk to occupiers or third parties 				

Considerations				

Banding based on severity of offence considerations				
--	--	--	--	--

Extreme		Substantial		Moderate	
---------	--	-------------	--	----------	--

Culpability consideration				
The offender to be assessed against three levels of culpability:				
<ul style="list-style-type: none"> ▪ Deliberate: offender intended to cause harm or ignored legal responsibilities. ▪ Reckless: offender was reckless as to whether harm was caused or duties were not complied with. ▪ Negligent: failure to ensure awareness of legal responsibilities. 				

Considerations				

Banding based on culpability considerations				
--	--	--	--	--

Extreme		Substantial		Moderate	
---------	--	-------------	--	----------	--

Initial assessment of civil penalty	Severity of Offence			Moderate	
				Substantial	
				Extreme	
	Culpability			Moderate	

		Substantial	
		Extreme	
	Initial civil penalty assessment	£	

<p>Track record of landlord</p> <ul style="list-style-type: none"> ▪ Has committed similar offences before ▪ Experienced landlord who should know responsibilities ▪ Owns a number of properties (i.e. not a single property landlord) ▪ Period of time over which offence(s) committed ▪ High level of profit from the offence/sought profit in committing ▪ Offender is a letting agent ▪ Attempt to cover up evidence of offence <p>(Penalty to be increased by between 10% and 30% for aggravating factors)</p>	
Considerations	No considerations
Penalty increase	
Number of considerations	£
No considerations	£0
<p>Mitigating Factors</p> <p>Any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc</p> <p>Penalty to be decreased by between 10% and 30% for mitigating factors</p>	
Considerations	
Penalty decrease	
Number of considerations	£
No considerations	£0
Check	
<p>Check that the provisional civil penalty assessment meets the aims of the sentencing principles:</p> <ul style="list-style-type: none"> ▪ Punishment of offender ▪ Reduction of/stopping crime ▪ Deterrent for other potential offenders 	

<ul style="list-style-type: none"> ▪ Reform of offender ▪ Protection of public ▪ Reparation by offender to victim(s) ▪ Reparation by offender to community <p>Check that the provisional assessment is proportionate and will have an appropriate impact.</p> <ul style="list-style-type: none"> • This step should take account of the offender's income and assets, and make final adjustments to the penalty calculation even where this results in a penalty point within another band. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013
--

Considerations		
Civil penalty assessment before discounts		
Discounts:	Details	Total Amount of Discount (£)
(a) Works of compliance within the representation period? (discount of 20% to be applied)		
(b) Discount for becoming member of a recognized landlord association within the representation period? (discount of 10% to be applied)		
c) Total Discount		

**Final assessment of civil
penalty**

£

APPENDIX C

GUIDE TO APPLYING THE PENALTY MATRIX TO ELECTRICAL SAFETY REGULATIONS

- Failure to obtain current EICR: A similar penalty for Cat 1 offences would be imposed. Weight of harm & exposure would rate moderate to substantial.
- Failure to meet electrical safety standard, Report has code 1 observations: As Code 1 observations indicate that danger is present, weight of harm & exposure would rate substantial. Failure to meet electrical safety standard, Report has code 2 observations: As Code 2 observations indicate that the installation is potentially dangerous, weight of harm & exposure would rate moderate to substantial.
- Report not copied to tenants: Weight of harm & exposure would rate moderate.
- Report not copied to housing authority on request: Weight of harm would rate moderate.
- Failure to confirm execution of remedial work/further investigation to tenant or housing authority: Weight of harm would rate moderate, and if we were aware of Code 1 observations on the original EICR could be increased to substantial. Exposure to risk would be determined by the delay, category, and whether the works had been done & just not notified, or just not done at all.

Note: failure to undertake remedial work/further investigation within timescale considered as aggravating factor to original breach and would increase culpability score. Failure to comply with remedial notice considered as aggravating factor to original breach and would increase culpability score.

APPENDIX D

STATEMENT OF PRINCIPLES FOR DETERMINING THE PENALTY CHARGE UNDER THE SMOKE AND CARBON MONOXIDE ALARM REGULATIONS 2015 as amended.

Criteria for the imposition of a penalty charge

In deciding whether it would be appropriate to impose a penalty charge, we will take full account of the particular facts and circumstances of the regulation breach under consideration. Factors which we will take into consideration include, but are not limited to:

- The extent to which the circumstances giving rise to the contravention were within the control of the landlord.
- The presence or absence, of internal controls or procedures on the landlord's part which were intended to prevent the breach.
- The steps that the landlord has taken since being served with the remedial notice,
- Whether the landlord has been obstructed in his duty, or if tenant removal of alarms has occurred.
- Evidence provided that supports compliance with a Remedial Notice, (this may include a signed inventory at the start of a tenancy, or photographic evidence showing alarms installed, with a date & time stamp).

Determining the level of penalty

The Regulations set a maximum penalty charge of £5,000. A penalty charge will be set at a level which the Council considers is proportional to the breach and will consider all the other circumstances of the case, which may include (the list is not exclusive):

- The charge will include the costs incurred by the Council in taking remedial action following noncompliance, including officer time and the cost of contractor supervision.
- Whether or not the breach under consideration is a first-time breach.
- Where justified representations have been made to the Council to formally review the penalty charge imposed, under Regulation 10.

First-time breach £2,500. An early payment of the penalty charge, within 14 days from penalty charge notice service, will attract a discount of 50%. (To £1,250)
Subsequent breaches by the same landlord £5,000. No early payment discount will be available in this case.

We will exercise discretion, and may not make, or may reduce, any penalty charge where the Landlord is a housing charity providing housing services for vulnerable persons. We will enforce penalty charges, to include obtaining a Court Order for payment, where necessary.

APPENDIX E

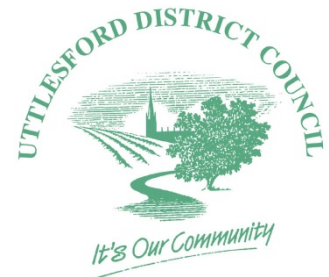
THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015 AS AMENDED ENFORCEMENT AND PENALTY CHARGES

In all cases we will seek to apply the 'publication penalty' (entering details of the breach on the public Energy Performance Certificate [EPC] register), together with a financial penalty. The penalty applied will be the maximum available for the breach(es), that is:

- Where the landlord (L) has breached regulation 23 and, at the time the penalty notice is served has, or had, been in breach for less than three months, the penalty is a financial penalty of £2,000.
- Where L has breached regulation 23 and, at the time the penalty notice is served has, or had, been in breach for three months or more, the penalty is a financial penalty of £4,000.
- Where L has registered false or misleading information under regulation 36(2), the penalty is a financial penalty of £1,000.
- Where L has failed to comply with a compliance notice in breach of regulation 37(4)(a), the penalty is a financial penalty of £2,000.
- Where financial penalties are imposed for breaches of regulation 23 together with breaches of regulation 36(2) or regulation 37(4)(a) in relation to a property the aggregate financial penalty is capped at £5,000.

APPENDIX F

Equality Impact Assessment



Uttlesford District Council Equality & Health Impact Assessment (EqHIA)

Document control

Title of activity:	<i>Environmental Health – Private Sector Housing Enforcement Policy</i>
Lead officer:	<i>Marcus Watts, Environmental Health Manager (Protection) Public Services</i>
Approved by:	<i>Please insert the name, job title, service and directorate of your manager/Director as appropriate for the level of activity</i>
Date completed:	<i>01/03/2024</i>
Scheduled date for review:	<i>NA</i>

Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?

Yes

Please note that EqHIAs are **public** documents and must be made available on the Council's [EqHIA webpage](#).

When completed, a copy of this form should be saved with the activity a policy, strategy, procedure, project, new or change in service, initiative or other's file for audit purposes and in case it is requested under the Freedom of Information Act.

When the EqHIA is completed send a copy to the following email address - EqHIA@Uttlesford.gov.uk

1. Equality & Health Impact Assessment Checklist

Please complete the following checklist to determine whether or not you will need to complete an EqHIA and ensure you keep this section for your audit trail. If you have any questions, please contact your Divisional Equality Lead. Please refer to the Guidance in Appendix 1 on how to complete this form. **When EqHIA is completed send a copy to the following email address EqHIA@Uttlesford.gov.uk**

About your activity

1	Title of activity	<i>Private Sector Housing Enforcement</i>		
2	Type of activity	<i>Policy</i>		
3	Scope of activity	The private rented sector should be well managed and that everyone has the right to live in decent, safe accommodation. This policy details how the Council will regulate standards in private rented housing.		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	No		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO:	.		

Completed by:	<i>Marcus Watts, Environmental Health Manager (Protection), Public Services</i>
Date:	<i>01/03/2024</i>

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2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

Background/context:

This Policy sets out the way in which the Council intends to secure effective compliance with the relevant Private Sector Housing legislation whilst minimising the burden to the Council, individuals, organisations and business, including:

- Housing conditions in the Private Rented Sector and Private Ownership
- Landlord’s obligations in the Private Rented Sector
- Houses in Multiple Occupation

**Expand box as required*

Who will be affected by the activity?

This Policy is designed to:

- Support Officers of the Council in appropriately applying the relevant enforcement legislation
- Inform Owner Occupiers, Private Sector Landlords and Registered Providers (RPs) as to the Council’s approach to housing enforcement.
- Inform landlords of the consequences of non compliance

The intended outcome is to ensure there is a provision of good quality, healthy housing and to prioritise action to those homes which present the greatest risks to Health and Safety.

**Expand box as required*

Protected Characteristic - Age: Consider the full range of age groups

Please tick (✓) the relevant box:

Positive



Overall impact:

Neutral		The improvement of Housing Standards in the Private Sector in line with the Enforcement Policy will impact positively on all age groups, in particular the elderly and the families with young children who may be more vulnerable to particular hazards under the Housing Health and Safety Rating System.
Negative		
<i>*Expand box as required</i>		
Evidence:		
Evidence to support action in protecting vulnerable groups is contained within the Housing Health and Rating Safety System		
https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9		
<p>The HHSRS is a risk-based evaluation tool to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment of hazards is a two-stage process, addressing first the likelihood of an occurrence and then the range of probable harm outcomes taking into consideration the most vulnerable risk group. The impact is assessed rather the actual or potential occupier(s). This allows HHSRS can be used on an empty dwelling and still be relevant. These factors are combined using a standard method to give a score in respect of each hazard. This score indicates the enforcement action</p>		
<i>*Expand box as required</i>		
Sources used: Housing Health and Rating Safety System		
<i>*Expand box as required</i>		

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions		
<i>Please tick (✓) the relevant box:</i>		Overall impact: Positive impact for residents who may be vulnerable as a result of mental illness or physical disability through the improvement of Housing Standards in line with the enforcement policy where required. See above - scored on vulnerable group rather than actual or potential occupiers.
Positive	<input checked="" type="checkbox"/>	
Neutral	<input type="checkbox"/>	
Negative	<input type="checkbox"/>	
<i>*Expand box as required</i>		
Evidence: Housing impacts health: new WHO guidelines on housing and health		
<i>*Expand box as required</i>		

Sources used:<https://researchbriefings.files.parliament.uk/documents/CBP-9414/CBP-9414.pdf>**Expand box as required***Protected Characteristic - Sex/gender:** Consider both men and women*Please tick (✓)
the relevant box:***Positive****Neutral****Negative****Overall impact:**

The predicted impact of the policy on sex/gender is neutral as there is no identified direct, positive or indirect discrimination

Expand box as required*Evidence:****Expand box as required***Sources used:****Expand box as required***Protected Characteristic - Ethnicity/race:** Consider the impact on different ethnic groups and nationalities*Please tick (✓)
the relevant box:***Positive****Neutral****Negative****Overall impact:**

Potential barrier for residents or landlords whose first language is not English. Written and verbal communication may need to be translated or interpreted, as an equalities consideration, in order to mitigate any adverse impact.

**Expand box as required*

<p>Evidence:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p>Sources used:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Protected Characteristic - Religion/faith: Consider people from different religions or beliefs including those with no religion or belief</p>							
<p><i>Please tick (✓) the relevant box:</i></p> <table border="1"> <tr> <td>Positive</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Neutral</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Negative</td> <td><input type="checkbox"/></td> </tr> </table>	Positive	<input type="checkbox"/>	Neutral	<input checked="" type="checkbox"/>	Negative	<input type="checkbox"/>	<p>Overall impact:</p> <p>Neutral impact. However, it is acknowledged that some faiths or religions require worship on particular days and therefore may not be able to attend meetings or appointments. Consideration will be given to this and flexibility will be applied, if required, in order to mitigate any adverse impact.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
Positive	<input type="checkbox"/>						
Neutral	<input checked="" type="checkbox"/>						
Negative	<input type="checkbox"/>						
<p>Evidence: NA</p> <p style="text-align: right;"><i>*Expand box as required</i></p>							
<p>Sources used: NA</p> <p style="text-align: right;"><i>*Expand box as required</i></p>							

<p>Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual</p>	
<p><i>Please tick (✓) the relevant box:</i></p>	<p>Overall impact:</p>

Positive		The predicted impact of the policy on sexual orientation is neutral as there is no identified direct, positive or indirect discrimination
Neutral	✓	
Negative		
<i>*Expand box as required</i>		
Evidence:		
<i>*Expand box as required</i>		
Sources used:		
<i>*Expand box as required</i>		

Protected Characteristic - Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth		
<i>Please tick (✓) the relevant box:</i>		Overall impact: The predicted impact of the policy on gender reassignment is neutral as there is no identified direct, positive or indirect discrimination
Positive		
Neutral	✓	
Negative		
<i>*Expand box as required</i>		
Evidence:		
<i>*Expand box as required</i>		

Sources used:

**Expand box as required*

Protected Characteristic - Marriage/civil partnership: Consider people in a marriage or civil partnership

Please tick (✓) the relevant box:

Positive

Neutral

Negative

Overall impact:

The predicted impact of the policy on marriage/ civil partnership is neutral as there is no identified direct, positive or indirect discrimination.

**Expand box as required*

Evidence:

**Expand box as required*

Sources used:

**Expand box as required*

Protected Characteristic - Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave

Please tick (✓) the relevant box:

Positive

Neutral

Negative

Overall impact:

The predicted impact of the policy on pregnancy, maternity and paternity is neutral as there is no identified direct, positive or indirect discrimination

**Expand box as required*

Evidence:	
	<i>*Expand box as required</i>
Sources used:	
	<i>*Expand box as required</i>

Socio-economic status: Consider those who are from low income or financially excluded backgrounds	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	The predicted impact of the policy on socio-economic status is neutral as there is no identified direct, positive or indirect discrimination
Neutral	
Negative	
	<i>*Expand box as required</i>
Evidence:	
	<i>*Expand box as required</i>
Sources used:	
	<i>*Expand box as required</i>




Health & Wellbeing Impact: Consider both short and long-term impacts of the activity on a person's physical and mental health, particularly for disadvantaged, vulnerable or at-risk groups. Can health and wellbeing be positively promoted through this activity? Please use the Health and Wellbeing Impact Tool in Appendix 2 to help you answer this question.	
<i>Please tick (✓) all the relevant boxes that apply:</i>	Overall impact:

Positive	✓	The improvement of Housing Standards in will impact positively on the occupiers health and wellbeing
Neutral		
Negative		<p style="text-align: right;"><i>*Expand box as required</i></p> <p>Do you consider that a more in-depth HIA is required as a result of this brief assessment? Please tick (✓) the relevant box</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Evidence:</p> <p>There is considerable supporting evidence to show that poor housing has a negative impact on health and wellbeing</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		
<p>Sources used:</p> <p>HHSRS Assessment</p> <p>Health and Wellbeing Impact Tool</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		

3. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:

Please tick (✓) what the overall outcome of your assessment was:

	1. The EqHIA identified <u>no significant concerns</u> OR the identified <u>negative concerns</u> have already been <u>addressed</u>		Proceed with implementation of your activity ✓
	2. The EqHIA identified some <u>negative impact</u> which still needs <u>to be addressed</u>		COMPLETE SECTION 4: Complete action plan and finalise the EqHIA
	3. The EqHIA identified some <u>major concerns</u> and showed that it is <u>impossible to diminish negative impacts</u> from the activity to an acceptable or even lawful level		Stop and remove the activity or revise the activity thoroughly . Complete an EqHIA on the revised proposal.

4. Action Plan

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead officer

Add further rows as necessary

* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

** Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

5. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

Review:

Scheduled date of review: 1/3/28

Lead Officer conducting the review: Environmental Health Manager

**Expand box as required*

