

Equality Impact Assessment



Topic	Policy for imposing financial penalties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
For decision by	Cabinet - 19/11/2020
Date of assessment	15/10/2020
Author	Richard Hopkins, Private Sector Housing Manager

Introduction to the proposal and background	<p>Thanet District Council (“the council”) is a local housing authority (“LHA”). As such, it has a statutory duty to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“the Regulations”). The Regulations place mandatory duties on private landlords to maintain electrical safety standards in privately rented homes.</p> <p>The Regulations came into force on 01 June 2020 and apply to new tenancies from 01 July 2020 and existing tenancies from 01 April 2021.</p> <p>Under the Regulations, private landlords must:</p> <ul style="list-style-type: none"> ● Ensure that the “electrical safety standards” are met during any period of occupation. For the purposes of the Regulations, the electrical safety standards are the 18th Edition of the IET Wiring Regulations, which are published as British Standard 7671; ● Ensure that all electrical installations in their rented properties are inspected and tested by a qualified and competent person at intervals of not more than five years (or less if the most recent report recommends a shorter period before the next inspection); ● Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test; ● Supply a copy of the report to the existing tenant within 28 days of the inspection and test; ● Supply a copy of the report to any new tenant before they occupy the premises; ● Supply a copy of the report to any prospective tenant within 28 days of receiving a written request for the report; ● Supply the LHA with a copy of the report within seven days of receiving a written request for a copy; ● Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test; ● Where the report shows that further investigative and/or remedial work is necessary, complete the work within 28 days or any shorter period if specified in the report; ● Where further investigative and/or remedial work is necessary, supply the tenant and the LHA with written confirmation from a qualified and competent person that confirms the completion of the further investigative and/or remedial works within 28 days of the completion of those works. <p>If the council is satisfied, beyond reasonable doubt, that a private landlord has breached a duty under the Regulations, it has the power to impose a financial penalty of up to £30,000.</p> <p>Residents living in the private rented sector should be able to live in a home that has an electrical installation which is regularly maintained to ensure that it remains safe for continued use. Unsafe electrical installations have the potential to cause serious harm owing to the increased risk</p>
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		<p>of electrical shock and fire. It is therefore important that the council robustly enforces the Regulations; however, before the council can issue financial penalties under the Regulations, it must first have an adopted policy which is just and proportionate.</p> <p>This Equality Impact Assessment concerns the proposed implementation of a “Policy for imposing financial penalties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020” for breaches of the Regulations that occur on or after 01 December 2020.</p>					
PSED Engaged by this topic	Yes	✓	No		If no, please explain your reasoning and provide evidence where possible.		
					N/A.		
Protected Characteristic	Definitions	Positive Impact			Negative Impact	No specific impact	What will the impact(s) be?
		PSED Aim 1	PSED Aim 2	PSED Aim 3			
Gender	Men/Boys					✓	A financial penalty may be payable by any person responsible for a residential dwelling who has breached the Regulations. The application of the proposed policy shall apply equally to everyone. Those affected will have the right to make representations to the council and make an appeal to the independent First-tier Tribunal. Any person with a protected characteristic who believes they have been discriminated against can make a formal complaint to the council. A person not satisfied after following the council's complaints process may make a further complaint to the independent Local Government and Social Care Ombudsman. No positive or negative impacts have been identified in respect of this characteristic.
	Women/Girls					✓	As notes for “Gender - Men/Boys” above.
Gender Reassignment						✓	As notes for “Gender - Men/Boys” above.
Disability	Physical	✓					Persons with a disability can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. The enhanced enforcement capabilities provided by the Regulations should help the council to minimise disadvantage among private sector tenants with the protected characteristic of disability.
	Mental Ill health/disability	✓					As notes for “Disability - Physical” above.
	Learning difficulty/disability	✓					As notes for “Disability - Physical” above.
	Sensory impairment	✓					As notes for “Disability - Physical” above.

Age	Babies and children (0-16)	✓					Persons with young children can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. The enhanced enforcement capabilities provided by the Regulations should help the council to minimise disadvantage among private sector tenants with the protected characteristic of age.
	Young adults (16-25)					✓	As notes for "Gender - Men/Boys" above.
	Mid-age adults (26-59)					✓	As notes for "Gender - Men/Boys" above.
	Older adults (60+)	✓					Older adults, who may be retired, can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality privately rented accommodation. The enhanced enforcement capabilities provided by the Regulations should help the council to minimise disadvantage among private sector tenants with the protected characteristic of age.
Race	White British/white other					✓	As notes for "Gender - Men/Boys" above.
	Mixed race					✓	As notes for "Gender - Men/Boys" above.
	Asian/Asian British					✓	As notes for "Gender - Men/Boys" above.
	Black/Black British					✓	As notes for "Gender - Men/Boys" above.
	Arab/Arab British					✓	As notes for "Gender - Men/Boys" above.
	Gypsies/travellers					✓	As notes for "Gender - Men/Boys" above.
	Other ethnic group					✓	As notes for "Gender - Men/Boys" above.
Sexual Orientation	Heterosexual					✓	As notes for "Gender - Men/Boys" above.
	Gay man					✓	As notes for "Gender - Men/Boys" above.
	Lesbian					✓	As notes for "Gender - Men/Boys" above.
	Bisexual					✓	As notes for "Gender - Men/Boys" above.
Religion or Belief	Faith Groups					✓	As notes for "Gender - Men/Boys" above.
Pregnancy & Maternity						✓	As notes for "Gender - Men/Boys" above.
Marriage & Civil Partnership	<i>(Aim 1 of the PSED only)</i>					✓	As notes for "Gender - Men/Boys" above.
Socio-Economic Background	<i>(N.B not a protected characteristic but relevant to Thanet)</i>		✓				The persons (and companies) engaged in residential lettings in Thanet are located around the UK. These persons are usually so engaged for the purposes of financial gain. It is the Government's intention that the imposition of financial penalties does have a financial impact on private

					<p>sector landlords, being that such penalties are a punishment for wrongdoing. Therefore, in terms of public interest, there are no negative impacts.</p> <p>The policy of imposing financial penalties on private sector landlords who fail to meet their legal obligations is likely to promote an improvement in housing conditions more generally. Many households on lower incomes in Thanet live in the larger than average private rented sector. As such, this policy is likely to have a positive impact on deprived households.</p>
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Consultation with Information Governance & Equality Team					
Date advice given	N/A				
Summary of Advice – Key Points					
Advice accepted by responsible officer?	Yes		No		If no, please explain your reasoning.

Approval and sign off from Line Manager			
Name	Bob Porter	Job Title	Director of Housing and Planning
Date	23 October 2020		