

Equality Impact Assessment



Topic	Policy for imposing financial and publication penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
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”) has a statutory duty to enforce The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) in respect of domestic private rented property. Since 01 April 2020, private landlords have been prohibited from renting out homes that are subject to an Energy Performance Certificate (“EPC”) with an energy efficiency rating of F or G.</p> <p>Under the Regulations, private landlords must either:</p> <ul style="list-style-type: none"> ● Ensure that their rented properties are subject to an energy efficiency rating of E or above; or ● Register a valid exemption on the PRS Exemptions Register (The PRS Exemptions Register is provided by the Government on Gov.uk). <p>Private landlords must also comply with any Compliance Notice served by the council and must not register any false or misleading information on the PRS Exemptions Register.</p> <p>If the council is satisfied that a private landlord has breached a duty under the Regulations, it has the power to impose financial and publication penalties. The four types of breach are:</p> <ul style="list-style-type: none"> ● Breaching the ban on letting a property with an F or G rating for less than three months (statutory maximum financial penalty: £2,000); ● Breaching the ban on letting a property with an F or G rating for three or more months (statutory maximum financial penalty: £4,000); ● Registering false or misleading information on the PRS Exemptions Register: (statutory maximum financial penalty: £1,000); ● Failing to provide information to the council demanded by a Compliance Notice (statutory maximum financial penalty: £2,000). <p>In respect of any one tenancy, a private landlord cannot be subject to multiple financial penalties that exceed a total of more than £5,000. A publication penalty means publication on the PRS Exemptions Register of certain information about a breach (but not the private landlord’s name if the landlord is an individual) for a statutory minimum period of 12 months.</p> <p>The Regulations were designed to help ensure that those private tenants in most need of more thermally efficient homes, particularly vulnerable people and the fuel poor, are able to enjoy a more comfortable and healthier living environment and lower energy bills. They are also part of the Government’s wider strategy to reduce UK greenhouse gas emissions. 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>
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		This Equality Impact Assessment concerns the proposed implementation of a “Policy for imposing financial and publication penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015” for breaches of the Regulations that occur on or after 01 December 2020.					
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 private landlord responsible for a domestic property who has breached the Regulations. Any publication penalty imposed may not identify an individual’s name, or their address if different to the property at which the breach took place. 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. In particular, energy inefficient homes may be cold homes, and excess cold may affect some disabled persons more acutely. 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. In particular, energy inefficient homes may be cold homes, and excess cold affects young children more acutely. 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. In particular, energy inefficient homes may be cold homes, and excess cold affects older adults more acutely. 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		✓					Pregnant women are considered to be vulnerable persons in terms of cold homes. Energy inefficient homes may be cold homes and such homes may affect pregnant women more acutely. The enhanced enforcement capabilities provided by the Regulations should help the council to

							minimise disadvantage among private sector tenants with the protected characteristic of pregnancy.
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>		✓				<p>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 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. Living in a hard to heat home will increase energy bills and disproportionately impact those on low incomes. As such, this policy is likely to have a positive impact on households with lower incomes.</p>

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		