



**Private Housing Enforcement Team**

# **ENFORCEMENT POLICY**

**January 2013 - 2015**

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## INTRODUCTION

Tamworth Borough Council has a statutory duty to enforce a number of laws which relate to areas of local authority law enforcement. These predominantly seek to affect and improve the quality of life and safety of people who live, work, study or visit Tamworth. This document outlines the Council's policy and sets out how it will support the achievement of the overall aims of Tamworth Borough Council. The purpose of the policy is to secure effective compliance with legislation while minimising the burden to the Council, to citizens and to business.

The Private Housing Enforcement Team is responsible for enforcing a wide range of statutory provisions relating to private housing in the borough. However, there are a number of challenges that face the Private Housing Enforcement Team as a result of the profile of the Borough and obligations set by the Government. The main challenge is the number of properties that fall within the private sector that are considered to be in poor repair, non-decent and have serious hazards. It is the responsibility of the Private Housing Enforcement Team to respond to these issues and facilitate improvements in the sector by use of enforcement, education and where possible, financial assistance. Decisions on enforcement action are a matter of professional judgement and officers will need to exercise discretion. Officers will be properly trained to ensure consistency in the decisions made. Authorisation of officers will be made under delegated powers to a level that is considered appropriate to the competence of the individual officer. Officers will produce evidence of authorisation on request. Officers will refer to this policy when considering enforcement action.

The key operational objectives of the team are to:

- Improve the quality of private sector housing standards.
- Enable households to live independently in their own homes.
- Increase the supply of good quality private sector accommodation.
- Effectively monitor and improve services.

The Private Housing Enforcement Team works **reactively** and **proactively**.

**Reactively** the service will respond to:

- Private sector tenants who contact the Tamworth Borough Council with complaints about disrepair or poor conditions within their home.
- Complaints about properties that may be causing problems for neighbouring properties.
- Enquiries from owner occupiers or private tenants and landlords who would like advice about housing standards.

**Proactively** the service will:

- Identify the general types and conditions of private sector stock by carrying out surveys of the Borough.

- Identify and proactively inspect Houses in Multiple Occupation (HMO), particularly HMO's that require a licence which are not licensed.
- Work closely with internal departments such as Planning and Benefits to disseminate and exchange information and intelligence on potential HMO's in Tamworth and potential problems with other residential premises.
- Work with external organisations such as Social Services and the Fire Service to ensure any enforcement activities are consistent.
- Hold regular landlords' forums to provide a platform for discussion and dissemination of information and advice to landlords.
- Monitor and improve the service to meet the changing needs of those within private sector accommodation.

## **PURPOSE OF ENFORCEMENT**

The purpose of enforcing housing legislation is to protect the health, safety and welfare of occupants and their visitors in privately rented and owner occupied premises. The enforcement of such legislation is to ensure that preventative or remedial action is taken to protect public health and secure compliance with a regulatory system. The Private Housing Enforcement Team is responsible for enforcing a wide range of legal obligations, many of which carry a criminal sanction for non-compliance. The Acts that the Private Housing Enforcement Team enforce are:

- The Housing Act 2004
- The Housing Act 1996
- The Housing Act 1985
- Environmental Protection Act 1990
- Public Health Act 1936 (as amended)
- Public Health Act 1961
- Building Act 1984
- Prevention of Damage by Pests Act 1949
- Protection from Eviction Act 1977
- Caravan Sites and the Control of Development Act 1960
- Caravan Sites Act 1968
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government and Housing Act 1989
- Local Government Act 2000

## **BETTER REGULATION AND ENFORCEMENT**

Tamworth Borough Council recognise that the best way to achieve compliance with the law is to provide guidance and advice to those affected by the legal housing obligations. This will promote a better understanding of the nature and extent of the responsibilities of those carrying out regulated activities and will enable them to comply voluntarily.

The two groups of individuals and companies affected by housing and public health legislation are landlords and tenants. Advice and guidance will be provided to landlords on a proactive and reactive basis via newsletters, forums and one-to-one communication. However, it is recognised that the Council may have to undertake enforcement action to deal with certain properties.

In accordance with the Regulators' Compliance Code and Enforcement Concordat, our Enforcement Policy is based on the five guiding principles of:

**Consistency** Consistency means taking a similar approach in similar circumstances to achieve similar outcomes within which a degree of discretion is available. The Private Housing Enforcement Team aims to achieve consistency in advice given, in its use of powers and in decisions on whether to prosecute.

The Private Housing Enforcement Team recognises that consistency does not mean simple uniformity. Officers need to take account of many variables such as the attitude and actions of persons involved and the history of previous incidents or breaches when making decisions. Decisions on enforcement action are a matter of professional judgement and officers need to exercise discretion, however officers will be properly trained to ensure consistency in the decisions made. The Private Housing Enforcement Team will continue to develop arrangements to promote consistency including effective arrangements for liaison with other enforcing authorities.

**Fairness** The Private Housing Enforcement Team will strive to deliver a fair and even-handed approach ensuring, among other things, that decisions are not influenced by gender, ethnic origin, religious, political or any other beliefs or preferences that make up the social identity of any potential offender or victim.

When complaints are received they will be investigated in accordance with Tamworth Borough Council's complaints procedure and a response given to the complainant in a timely manner.

**Proportionality** In performing its enforcement role, the Private Housing Enforcement Team will ensure that any enforcement action taken in regard of any breach of legislation is in proportion to the actual or potential risk to health, the environment, or significant economic disadvantage to the citizen or business. In particular, an individual's human right to privacy will require the Council to show that consideration of less intrusive methods for surveillance or use of communications data, has been made by applying the principles of the Regulation of Investigatory Powers Act 2000.

**Transparency** Transparency means helping those regulated to comprehend what is required of them at the outset and setting out what they may expect from Tamworth Borough Council in return. It

involves making clear the details of remedial action that is required from the regulated person and providing details of their rights for example their right of appeal. It also means making clear the reasons why enforcement action is considered appropriate.

### **Objectivity**

We regard prevention as better than cure and therefore the Private Housing Enforcement Team will actively work with those it regulates to advise and assist with compliance. We will aim to provide a courteous and efficient service with a contact officer and telephone number for further dealings with us. We will proactively advise known landlords and letting agents of any changes in legislation and housing standards. We will also make available advisory leaflets where appropriate.

## **TYPES OF ENFORCEMENT ACTION**

Enforcement action may be taken as a result of a complaint, an inspection or an incident. The options available for taking enforcement action against individuals or business for non-compliance with their legal obligations include the following:

1. No Action
2. Informal Action
3. Formal Action - the service of Statutory Notices
4. Simple Caution
5. Prosecution
6. Works in default

### **1. No Action**

Where a survey, inspection or investigation reveals full compliance with the criteria of the legislation stated above no further action will be required. Details of the fact that the inspection revealed that no action was required will be recorded in the premises file.

### **2. Informal Action**

In the majority of cases the first course of action would be to take informal verbal and written action. In deciding to take informal action many criteria will be considered, including:

- Whether the act or omission is serious enough to warrant formal action.
- Whether past history with the local authority indicates that informal action can be expected to achieve full compliance.
- Whether officer's confidence in the management of the premises is high.
- Whether the consequences of non-compliance will pose a significant risk to the occupants or the public as a whole.

### **3. Formal Action**

If it becomes necessary for formal action to be taken as an owner has failed to respond to an informal approach, statutory notices would be considered as an option to ensure certain works are carried out. In making a decision regarding the most

appropriate action each case will be taken on its own merit and officers will have regard to:

- The seriousness of a hazard identified or the significant failures of statutory requirements.
- The likelihood of the recurrence of a nuisance.
- Whether the Council has a duty or a discretionary power to take action.
- If there is a lack of confidence in the individual or management to respond to informal action.
- An individuals or company's past history in terms of compliance.
- The consequences of non-compliance in terms of risk to public health and the health & safety of any occupants, neighbours or the environment.
- The likely effectiveness of the enforcement options available.

Statutory Notices and Orders will only be issued by officers who have been properly authorised to do so. The officer who personally witnessed the contravention will prepare and sign the notice or order.

Any action taken following failure to comply with statutory notices will be taken in consultation with the Housing Advice Manager.

#### **4. Simple Caution**

The use of a Simple Caution (previously known as a Formal Caution) may be considered where it is felt a prosecution is not appropriate. A decision to offer a Simple Caution will be in accordance with the Home Office Guidance on the use of Simple Cautions.

The following factors will be considered in deciding when to offer a Simple Caution:

- The case does not fully meet the Public Interest Test (as set out below).
- The defendant has made a clear and reliable admission of the offence.

A decision to offer a Simple Caution will be if the case is as robust as for a prosecution and will not be considered in cases where the evidence will not give the likely prospect of success in prosecution. If the offer of a Simple Caution is declined the Council **will** take legal proceedings.

A Simple Caution will not be offered to the same person or company for the same offence within the expiry period. If further offences are committed, prosecution action will be taken and any details of previous Cautions will be placed before the Court.

If a Simple Caution is accepted, the details of the offence will be fully recorded and a copy of the documentation held on the relevant national database.

#### **5. Prosecution**

Where statutory powers exist to prosecute, they shall only be undertaken where the evidential test and the public interest test has been met, in line with the guidance set

out in “The Code for Crown Prosecutors”. The Code for Crown Prosecutors has been issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985 and updated in February 2010. Prosecution is a discretionary power and any decision to prosecute will not be taken lightly and based on the circumstances of each case taking into account any defence that may be available. An alternative option to prosecution will be considered in all cases. However, in certain circumstances prosecution action may be taken without prior warning.

A breach of legislation will not automatically result in the instigation of legal proceedings. The circumstances which are likely to warrant a prosecution may be characterised by one or more of the following criteria:

1. There is a serious breach of the law such that the occupants or the public health, safety or well being is put at risk, or there is a serious offence under housing standards legislation.
2. There is a failure to comply in full or part with a Statutory Notice or Order or there is an offence under the House in Multiple Occupation (HMO) Management Regulations.
3. There is a failure to apply for a licence for an HMO or Park Home that is required to be licensed or there has been a breach of condition(s) of HMO licensing or Park Home site licences.
4. There is a serious offence under the Protection from Eviction Act 1977 and evidence suggests harassment or illegal eviction from a residential premises or a permanent residential park home.
5. There have been breaches of legal requirements in a residential premises and it appears management is unwilling or unable to deal adequately with them.
6. The failure by an offender to correct an identified serious potential risk to safety after having been given a reasonable opportunity to do so.
7. The offender has failed to accept a Simple Caution or the offence is too serious to offer a Simple Caution.
8. A Simple Caution has been issued for a similar offence.

The decision to instigate legal proceedings does not preclude the issue of statutory notices or other enforcement action. Investigation and decision-making will not be unduly prolonged or delayed. It will be in accordance with the principles laid out in the following Acts:

- Human Rights Act 1998
- Police and Criminal Evidence Act 1984
- Regulation of Investigatory Powers Act 2000

### **Test for Prosecution**

In deciding whether a prosecution is necessary, the following tests will be satisfied:

- Evidential Test
- Public Interest Test

### **Evidential Test**



There must be sufficient evidence to provide a realistic prospect of conviction against each defendant and on each charge before a prosecution is authorised. This is an objective test and means that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict each defendant on each charge. If the case does not pass the evidential test, it will not go ahead, no matter how important or serious it may be.

In considering the evidence, the factors taken into consideration will be the reliability of an admission made in an interview, for example, a defendant's age and the reliability of any witness.

### **Public Interest Test**

There are a number of factors which will determine whether a prosecution is in the public interest and a balance in favour or against will be made between these factors. The following list of factors is not exhaustive but positive answers will tend towards prosecution being sought:

1. The seriousness of the offence and if a conviction is likely to result in a significant sentence.
2. Evidence that the offence was committed deliberately or maliciously.
3. Evidence that the defendant intimidated or harassed those affected.
4. The defendant was in a position of authority or trust.
5. The previous history of the defendant and evidence of on-going offences of a similar type.
6. Likelihood of repeated offence which may be deterred by prosecution.
7. The offence is widespread in the area in which it was committed and a prosecution would be of public benefit.

Once a decision has been made to prosecute, the case file will be referred to Legal Services and case reports will be submitted. The contents of the case file will be sent the following way:

1. Content sheet
2. Cost sheet
3. Summary of Offences
4. Litigating Briefing
5. Legal Action Proposal form
6. Any correspondence relating to the case
7. Witness Statements
8. Exhibits
9. Photographs

### **6. Works in Default**

Work in default refers to the discretionary powers given to the Council under specific legislation to carry out works required in a statutory Notice that has not been complied with. Works carried out in an emergency situation must be where an imminent risk to the health and safety of the public has been identified. In both situations the approval of the Director (Housing & Health) or their authorised deputy must be sought before arrangements can be made to carry out the works.

A charge for carrying out such work will be made on the person(s) named in the Notice based on the amount of officer and administration time spent on the case. If it becomes necessary to carry out default work consideration will be given to whether a prosecution is appropriate. Work in default may be considered in situations where a prosecution for non-compliance may not meet the 'Public Interest' test. Section 31 and Schedule 3 of the Housing Act 2004 give the local authority power to take action to resolve housing defects with or without the owner's agreement. The council can recover the costs of such action from the relevant person. These costs remain as a land charge until paid and the council will charge an annual interest rate on unpaid sums.

The council will also consider making use of recovery orders (paragraph 12 of Schedule 3) that require rent to be paid by an occupier direct to the council until the debt owed by the relevant person is paid.

### **ADDITIONAL ENFORCEMENT TOOLS**

In addition to the above enforcement options the Council has further powers to ensure adequate standards in all types of residential premises, in particular, HMO's are met and maintained. The Housing Act 2004 introduced a mandatory scheme to licence larger, high risk HMO's of three or more stories, occupied by five or more people, comprising two or more households. The HMO licensing regime provides procedures to assess the suitability of the premises for the number of occupants including the adequate provision of facilities at the premises. It also allows the assessment of the fitness of a person to be the licence holder and the potential management arrangements of the premises.

It is a criminal offence if a person controlling or managing an HMO does not have the required licence. Failure to comply with any condition attached to a licence is also an offence. The Council will consider all the available enforcement options when dealing with unlicensed HMO's and breaches of licence conditions.

Powers available in relation to HMO's are:

- Interim Management Orders (IMO)
- Final Management Orders (FMO)
- HMO Management Regulations
- Rent Repayment Orders

Other powers available in relation to all residential premises are:

- Special Interim Management Orders (SIMO)
- Overcrowding Notices

### **Interim Management Orders (IMO)**

The Council must make an IMO in respect of an HMO which is required to be licensed which is not so licensed if it is satisfied that there is no reasonable prospect of the property being licensed in the near future with appropriate conditions or it is necessary to protect the health, safety or welfare of occupiers of the property or properties in the vicinity. (Section 102(2) of The Housing Act 2004).

An IMO is in force for 12 months and allows the Council to manage the property with many of the rights of a landlord and to collect rent and expend it on work to the property.

The Council may delegate the management of the HMO to another organisation.

An IMO ceases to have effect if a licence is granted. There are provisions to vary, revoke and appeal against an IMO.

### **Final Management Orders (FMO)**

The Council must make a FMO where, on expiry of an IMO if, the property requires a licence but the Council considers it is still unable to grant a licence. (Section 113(2) of the Housing Act 2004).

An FMO is similar to an IMO in that the Council continues to manage the property with many of the rights of the landlord, but they must be reviewed from time to time.

The Council may delegate the Management of the HMO to another organisation.

As with IMOs, there are provisions for varying, revoking and appealing the making of a FMO.

### **Management Regulations**

Management Regulations made under the Housing Act 2004 impose duties on landlords and managers of all HMO's to ensure they are managed properly. The Management Regulations are not enforced using statutory notices but the Council can prosecute for breaches of the regulations, and is able to do so where a premises exhibits multiple contraventions of the regulations.

### **Rent Repayment Orders (RRO)**

A RRO is a financial penalty that can be imposed upon a landlord who manages or lets an HMO which requires a licence and is not licensed.

Tamworth Borough Council will apply to the Residential Property Tribunal for a RRO if Housing Benefit has been paid to a landlord who has been convicted of an offence during any period when the offence was being committed. Tamworth Borough Council may apply for a RRO if it is satisfied an offence has been committed of not licensing an HMO that requires a licence even though the landlord has not been prosecuted for the offence.

### **Special Interim Management Orders (SIMO)**

The Council may apply for a SIMO if it is satisfied that the area in which a dwelling (as defined in Part 3 of the Housing Act 2004) is located and is experiencing a significant and persistent problem caused by anti-social behaviour attributable in full or in part to the anti-social behaviour of an occupant and the landlord is failing to take action to combat the problem. Additionally, a SIMO may be applied for where it

is necessary for protecting the health and safety or welfare of persons occupying, visiting or otherwise engaging in lawful activities in the vicinity of the house.

The SIMO will operate in the same manner as an IMO as outlined above.

### **Overcrowding**

Overcrowding notices apply to any premises that are not required to be licensed. The effect of an overcrowding notice is that the person served must comply with the terms of the notice/order and if they fail to do so they commit an offence for which the Council is able to prosecute.

An overcrowding notice/order must either prohibit new residents or limit the number of people sleeping in a dwelling. The Council may take action on overcrowding under the rating system hazard of crowding and space.

### **Power of Entry**

Most of the legislation enforced by the Private Housing Enforcement Team includes the power for authorised officers of Tamworth Borough Council to gain entry into property for the purpose of carrying out the Council's duties under that legislation.

If access is not secured by informal means then the Council will consider applying for a warrant from a Justice of the Peace to obtain entry. If prior warning of entry is likely to defeat the purpose of the entry then a warrant may be obtained.

### **Power to Charge for Enforcement Action**

The Council has the power to charge for enforcement action under certain legislation. The expenses which may be charged for are those of determining whether to serve the notice or order, serving it, and identifying any action to be specified in the notice.

The Council will charge for the time spent by officers where any of the enforcement options, other than the service of a Hazard Awareness Notice, are used. The charge will be calculated by multiplying the number of hours taken in the pursuit of the enforcement action by the hourly rate of the officers involved (including their on-costs). A schedule will be sent detailing the time spent by Council staff in enforcing any notice, together with an invoice.

When a charge is imposed under section 49 of the Housing Act 2004 the sum recoverable becomes a charge on the premises concerned. If enforcement action has been taken against a named person or legal entity the Council will seek to recover the charge by invoice. The Council reserves the right not to invoice or to waive a charge for enforcement action in exceptional circumstances with each case being considered on its own merits. This decision will be made by the Director (Housing & Health) or his authorised deputy.

### **Working with Other Regulatory Bodies**

Where other regulatory bodies have additional enforcement powers to investigate housing related matters, referrals will be made to those bodies. Officers will liaise

with the relevant body to ensure effective co-ordination, avoid inconsistencies, and ensure that contraventions of legal requirements are investigated by the appropriate agency. These agencies include:

- TBC internal departments – Planning, Building Control etc.
- County Council department – Social Services
- Health and Safety Executive – Gas Safety
- Staffordshire Fire Authority – Fire Safety
- Staffordshire Police – Execution of Warrants and consultation of anti-social behaviour in the Borough

## **Complaints**

Tamworth Borough Council has an established corporate complaints procedure for dealing with complaints. Information on how to make a complaint is outlined in a complaints leaflet that is available at all Tamworth Borough Council Offices and on the website.

## **Review**

This Policy will be reviewed bi-annually and any developments incorporated. Authority to make minor non-policy based amendments is delegated to the Director (Housing & Health). A copy will be made available to any person formally requesting a copy of the policy.

Appendix 1

**LEGAL ACTION PROPOSAL FORM**

	<b>Relevant Legislation</b>	<b>Details of Offence</b>
<b>Offences</b>		
<b>Factors Considered</b>		<b>Comments</b>
Seriousness of offences		
Previous relevant history <ul style="list-style-type: none"> <li>• Convictions</li> <li>• Cautions</li> <li>• Other relevant behaviour</li> </ul>		
Availability of defence		
Availability and quality of evidence / witness		
<b>Public Benefit Issues</b>		
Willingness of defendant to prevent a recurrence		
Explanation offered		
Was it a genuine mistake / misunderstanding		
Is the offender / ill / infirm etc		
Was there a victim / someone who suffered loss		
Is the offence widespread within the area		
Is the case likely to establish a precedent		
Consideration of other courses of action, ie - caution, notice, warning		

**Signed Approved .....****Date .....**



# Equality Impact Assessment Template

<b>Name of policy/ procedure/ practice to be assessed</b>	<b>HMO Enforcement Policy</b>		<b>Date of Assessment</b>	<b>29/1/2013</b>	
<b>Is this a new or existing policy/ procedure/ practice?</b>	<b>New</b>	<b>Officer responsible for the Assessment</b>	<b>Helen Carpenter</b>	<b>Department</b>	<b>Private Housing Enforcement Team</b>
<b>1. Briefly describe the aims, objectives and purpose of the policy/ procedure/ practice?</b>	<b>To provide guidance and information for landlords and residents in private sector accommodation, outlining how the authority will proceed in the event of an offence or breach of the housing legislation.</b>				
<b>2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?</b>	<b>Enforcement Procedures HMO Licensing Policy</b>				
<b>3. Who is intended to benefit from this policy/ procedure/ practice and in what way?</b>	<b>Enforcement officers Landlords who let properties, including those who require a licence for an HMO Residents living in the borough</b>				
<b>4. What are the desired outcomes from this policy/ procedure/ practice?</b>	<b>To provide robust measures for undertaking enforcement action if necessary to ensure the health, safety and welfare of all residents</b>				
<b>5. What factors/ forces could contribute/ detract from the outcomes?</b>	<b>Lack of resources within the Private Housing Enforcement Team Changes in legislation</b>				



<b>6. Who are the main stakeholders in relation to the policy/ procedure/ practice?</b>	<b>Landlords Residents Housing enforcement officers Internal Council departments</b>
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8. Which individuals/ groups have been/ will be consulted with on this policy/ procedure/ practice?	Please explain Private landlords who participate in the landlord forum	
9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on racial groups?	Y	N Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – Policy is not racially specific
10. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?	Y	N Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – Policy is not gender specific
11. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them being transgender or transsexual?	Y	N Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – Policy is not transgender or transsexual specific
12. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to disability?	Y	N Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No

13. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to sexual orientation?	Y	N	Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – policy has no different outcome due to sexual orientation
14. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to age?	Y	N	Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – policy is not age specific
15. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to religious belief?	Y	N	Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No – policy is not specific to religion
16. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on Gypsies/ Travellers?	Y	N	Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No –alternative legislations and codes of practice relate to gypsy & traveller sites.
17. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to dependant/caring responsibilities?	Y	N	Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).  No

<p><b>18. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them having an offending past?</b></p>	<p><b>Y</b></p>	<p><b>N</b></p>	<p><b>Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).</b></p> <p><b>Yes – landlords with an offending past may not be eligible to be awarded a licence for an HMO if they do not pass the ‘fit &amp; proper person’ test. The legislation determines the offences that would prevent a landlord being a fit &amp; proper person. If an HMO cannot be licensed, the Council has a duty to apply for an IMO and manage the property on behalf of the landlord. Where previous convictions for offences committed under the legislation enforced by the Private Housing Enforcement Team as listed in the Enforcement Policy, the Council has no option but to consider them if any further similar offences are committed. The nature of the issue is to protect potentially vulnerable individuals.</b></p>
<p><b>19. Are there concerns that the policy/ procedure/ practice could have an impact on children or vulnerable adults?</b></p>	<p><b>Y</b></p>	<p><b>N</b></p>	<p><b>Please explain, your reasoning, giving details of existing evidence (either presumed or otherwise).</b></p> <p><b>No negative impact, possible positive impact</b></p>
<p><b>20. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?</b></p>	<p><b>Y</b></p>	<p><b>N</b></p>	<p><b>Please explain</b></p> <p><b>No</b></p>
<p><b>21. Could the differential impact identified in 9 – 20 amount to there being the potential for adverse impact in this policy/ procedure/ practice?</b></p>	<p><b>Y</b></p>	<p><b>N</b></p>	<p><b>No</b></p>

<p><b>22. Can this adverse impact be justified:</b></p> <ul style="list-style-type: none"> <li>• on the grounds of promoting equality of opportunity for one group?</li> <li>• For any other reason?</li> </ul>	Y	N	<p>Please explain for each equality heading on a separate piece of paper (questions 9 – 20).</p> <p>N/A</p>
<p><b>23. As a result of carrying out the equality impact assessment is there a requirement for further consultation?</b></p>	Y	N	<p>No. It has been identified that the policy will need to be explained to landlords in Tamworth. A question and answer session may be appropriate but their comments may not be acted upon as the policy is written according to statutory functions and duties. Annual monitoring will be carried out.</p>
<p><b>24. As a result of this EIA should this policy/ procedure/ practice be recommended for implementation in its current state?</b></p>	Y	N	<p>Yes</p>

**PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS**

# Equality Impact Assessment Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC’s commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

ACTION/ ACTIVITY	RESPONSIBILITY	TARGET	PROGRESS
Information session for landlords	Private Sector Enforcement Team		
Monitoring arrangements:	To be reviewed annually	Data collected quarterly	
Publication:	January 2013		
Review Period:	Annually	Reviewed 12 monthly unless otherwise stated	

Expand as appropriate

Signed  
(Completing Officer).....

Date .....

Signed  
(Head of Department) .....

Date .....

Signed  
Corporate Diversity/ Equality .....

Date .....



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