



Ref No: EQ695679790

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Title of report: Private Sector Housing – amendment to Civil Penalties and Banning Orders

Report : This report amends the Civil Penalties and Banning Orders policy to reflect current legislation and case law and requests Executive authorise the amendment of the Policies and the necessary amendments to the Environmental Health Enforcement Policy to reflect the changes.

1.1 To request approval from the Executive to update the Council's Civil Penalties Policy in line with current legislation and case law.

1.2 The updated policy will be used to determine the level of fine issued to a landlord and/or agent to ensure transparency and fairness across the board.

What evidence/data is being used to support this equality analysis? Please select all that apply.: The Equality Panel

Service area: Public Protection

Corporate Manager: Kate Price

Corporate Manager email: Kate.Price@ipswich.gov.uk

Links to supporting documents where available:

Please upload any supporting documents:

What is proposed?: 1.3 To request approval from the Executive to update the Council's Civil Penalties Policy in line with current legislation and case law.

1.4 The updated policy will be used to determine the level of fine issued to a landlord and/or agent to ensure transparency and fairness across the board.

1.5 Ipswich Council is committed to improving standards in the private rented sector, ensuring landlords are aware of the standard of property they should be offering, and that all properties are professionally managed, properly maintained, habitable and safe.

1.6 Whilst Ipswich Council acknowledges there are many compliant landlords operating their businesses responsibly in Ipswich and appreciates the importance of recognising good landlord

performance, there are unfortunately a significant number of irresponsible landlords that do not.

1.7 Since 6 April 2017 local housing authorities have had the power to impose civil penalties of up to £30,000 on individuals and organisations, acting as or on behalf of private sector landlords as an alternative to prosecution for certain offences under the Housing Act 2004.

1.8 The Civil Penalties Policy has been updated to ensure that Ipswich Council adopts a transparent, consistent, and fair approach to how civil penalties are issued. Complementing the existing Environmental Services Enforcement Policy, it will play a significant role in assisting the Council in tackling poor standards within the private rented sector by robustly dealing with rogue landlords.

1.9 The updated policy outlines the circumstances in which Ipswich Council will consider the use of a civil penalty as opposed to prosecution, and how it will determine the size of each civil penalty in line with recent case law precedents. The specified offences where a civil penalty can be issued include Housing Act 2004, Electrical safety standards, the Health Act 2016 and HMO management regulations:

- Section 30: Failure to comply with an Improvement Notice
- Section 72: Offences in relation to licensing of Houses in Multiple Occupation
- Section 95: Offences in relation to licensing of houses
- Section 139: Offences of contravention of an overcrowding notice
- Section 234: Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Breach of duty under Regulation 3 of Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- Breach of duty in relation to Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

Why are the changes being introduced?: The Civil Penalties Policy has been updated to ensure that Ipswich Council adopts a transparent, consistent, and fair approach to how civil penalties are issued. Complementing the existing Environmental Services Enforcement Policy, it will play a significant role in assisting the Council in tackling poor standards within the private rented sector by robustly dealing with rogue landlords.

What evidence is being used to support this Equality Impact Assessment, and how is it being used?: The updating of these policies and amendment to the Enforcement Policy does not have any equality and diversity implications. Civil penalties provide a financial penalty to landlords who choose to offer sub-standard accommodation. Ipswich ranked 71 out of 317 English local authorities in 2019 and is the most relatively deprived authority within Suffolk with some of the poorest standards of accommodation in the private rented sector therefore it is important that civil penalties are used as a financial deterrent for landlords who choose to offer poor housing standards.

How will this change be implemented?: If agreed by Executive, the updated policies will be implemented immediately.

Age: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Disability: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Marriage & Civil Partnership: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Race: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Pregnancy & Maternity: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Religion or Belief: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Gender Reassignment: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Sex: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

Sexual Orientation: No impact

Please provide an explanation of this impact and actions to mitigate any adverse impact, or further promote positive impact.: The application of the legislation is prescriptive in how the

council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

I can confirm the report does meet Ipswich Borough Council's equality objectives:I can confirm the report does meet Ipswich Borough Council's equality objectives

The report helps us to 'eliminate unlawful discrimination, harassment & victimisation' in the following way(s): The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

The report helps us to 'advance equality of opportunity...' in the following way(s): The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

The policy helps us to 'foster good relations...' in the following way(s): The application of the legislation is prescriptive in how the council responds to people using our PSH service, including those within protected groups. It requires an unbiased application solely based evidence.

The new provisions will be reviewed in the following way(s): Three yearly
