

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	Housing (Scotland) Act 2014 Section 28 Private Rented Housing: Enhanced Enforcement Areas Draft Regulations	
Minister	Minister for Housing and Welfare	
Lead official	Linda Leslie	
Officials involved in the EQIA	name	team
	Yvonne Gavan	PRS Team Communities Analytical Services
Directorate: Division: Team	Housing, Regeneration and Welfare: Housing Services and Regeneration: Housing Services Policy Unit	
Is this new policy or revision to an existing policy?	Regulations to implement Housing (Scotland) Act 2014, Section 28 Private Rented Housing: Enhanced Enforcement Areas	

Screening

Policy Aim

Scottish Ministers want to make the private rented sector in Scotland an attractive and affordable housing option for anyone who wishes to live in it. To ensure standards continue to rise, the Scottish Government is determined to support the development of a more targeted and effective regulatory framework.

The aim of the Enhanced Enforcement Area Regulations is to enable local authorities to tackle those persistent and severe problems in the private rented sector that have resisted attempts to solve them using existing powers.

The Regulations complement existing duties for local authorities to maintain a register of private landlords under the Antisocial Behaviour (Scotland) Act 2004. Before any person or agency is registered, the local authority checks that the applicant is a fit and proper person to let property. All private landlords must apply to the local council for registration. It is a criminal offence for a landlord to let a property when they haven't registered, or applied for registration.

Where an area is designated as an Enhanced Enforcement Area, the Regulations will give local authorities the following new discretionary powers:

- power to require a landlord who is applying for registration, or who is renewing their registration, to provide an enhanced criminal record certificate.
- power to require landlords to produce documents or evidence for inspection by the local authority to demonstrate that they are complying with their duties and responsibilities as a landlord.
- power for a person authorised by a local authority to enter the house or building to ensure that the accommodation is safe, well managed and of good quality.

The purposes for which these additional discretionary powers can be used are to

- enable and assist the local authority to exercise any function under Part 8 of the Antisocial Behaviour (Scotland) Act 2004 (registration of landlords)
- ensure the safety and upkeep of the house
- ensure that information is available to tenants
- enable or assist the local authority to decide whether the house and the building of which it forms a part are safe, well managed and of good quality.

The desired outcomes are that areas that are blighted by these problems are improved for both private rented sector tenants and the wider community. This will contribute to the National Outcome “Our public services are high quality, continually improving, efficient and responsive to local people’s needs”. It will also contribute to the Scottish Government’s vision that all people in Scotland live in high-quality, sustainable homes that they can afford and that meet their needs.

Who will it affect?

The regulations will provide additional discretionary powers for local authorities to tackle poor conditions in the Private Rented Sector. They would be used to target a discrete area that is characterised by an overprovision of overcrowded private rented accommodation that is of a poor standard and where there is a prevalence of antisocial behaviour.

The Scottish Government anticipates that a local authority’s use of these powers would impact positively on an area by improving standards for private rented sector tenants and the wider communities in which they live. They would also impact positively on those private rented sector landlords who are willing to co-operate with the local authority to improve management and property standards.

What might prevent the desired outcomes being achieved?

The desired outcome is that the new discretionary powers for local authorities that will flow from Enhanced Enforcement Area designation will drive improvements for tenants and their community.

Action to deliver the desired outcomes could be constrained by:

- Private rented sector landlords in an EEA not being willing to work with the local authority to improve standards.
- The problem being dispersed to other areas if landlords choose to sell their properties but continue to operate in the same way elsewhere.
- Lack of available resources at a local authority level to gather the evidence to support an application for EEA designation.
- Inability of a local authority to obtain evidence to support an application.
- Insufficient resources at local authority level to support the targeted use of these powers.

Stage 1: Framing

Results of framing exercise

The Scottish Government's 2009 Review of the Private Rented Sector¹ provided a detailed primary evidence base on the sector's circumstances in Scotland, including information relating to equality groups.

The Private Rented Sector (PRS) in general

Private rented housing accounts for around 11% of housing in Scotland, equating to around 273,000 properties and it is expected that - due to current restraints in accessing owner-occupation and social rented housing – this number will continue to rise, particularly among young people.

The 2009 Review included a tenant survey, amongst other sources. The review found that different groups of tenants have different needs and experiences and are represented in the sector in varying proportions. Some key findings from the Review relating to landlords include:

- a large majority of dwellings in the private rented sector are owned by individuals and couples;
- only a small proportion is owned by full-time business landlords, although a large proportion of dwellings are owned for business and investment reasons;
- there is almost an exact male to female gender balance amongst individual and couple owners;
- landlords are predominately younger than retirement age with 35% of dwellings being owned by those under 45 and 65% are owned by those under 54;
- about 5% of PRS properties are owned by a landlord from non-white ethnic groups;
- in Glasgow, this percentage is higher with 14% of PRS properties being owned by members of non-white ethnic groups.

The number of landlords and letting agents registered on the national database has also continued to increase. Recent figures show that up to the end of May 2013 over 183,573 applications for registration has been approved, covering 264,672 properties.

Some key findings from the Review relating to tenants include:

- characteristically, private tenants tend to be younger than the population as a whole. Almost 80% of licensed HMOs are occupied by students, 84% of whom are under 25 years old;
- about one in ten tenants have a disability or limiting long-term illness. This rate is higher in rural areas. These tenants are more likely to be dissatisfied with their home (21%);

¹ [Review of the Private Rented Sector: Volume 1: Key Findings and Policy Implications](#)

- one in three non-white households live in the private rented sector, compared with one in fourteen white households;
- one in three non-white tenants experience problems accessing appropriate private rented housing, compared with one in five of all tenants;
- migrant workers are highly likely to live in the private rented sector when they first arrive in Scotland. The Review quoted studies showing that there were problems of overcrowding among migrant workers and additionally that migrant workers had lower levels of awareness of their rights and responsibilities;
- there are reports of migrant workers living in overcrowded, unsafe and sub-standard private rented housing, including multi-occupied, short term lets;
- one third of households identifying as Hindu, one in five Buddhist households and a similar proportion of Muslim households lived in the private rented sector in 2001; and
- although there is limited information on tenure for Lesbian, Gay, Bisexual and Transgender groups, one survey on housing for older LGBT people listed respondents as 64% owner occupiers, 24% social rented tenants and 8% as private rented tenants (2005) (an estimated 2% to 2.5% of the UK population are LGBT)

Responses to the consultation on the draft strategy for the PRS also provided further evidence on support which can be offered to vulnerable tenants in the PRS, including:

- respondents highlighted that vulnerable tenants in the PRS may not always be reached by conventional information channels, and that a problem area often lies in enforcing rights which already exist. The provision therefore of adequate and easily accessible information and advice was a common theme from respondents in ensuring vulnerable tenants are protected; and
- international evidence suggests that private renting is not inherently unsuitable for vulnerable households, but there tends to be considerable government support and regulation in place where it works well.

Property Condition

The Scottish House Condition Survey (SHCS) estimates that 1% (up to 3,000) of PRS dwellings are in disrepair and could be liable to be issued with a Repair Notice under the relevant Housing Act and 4% (10,000) of PRS dwellings should be issued with an Improvement Order. This is based on an assessment of a representative sample of PRS properties by a professional surveyor.

Based on this it is estimated that there are potentially around 13,000 properties in the PRS that are in a serious state of disrepair and about which councils may wish to take a repairing standard case before the PRHP. These properties are likely to have built-up in the housing system over an extended period of time, with properties gradually falling into a worsening state of disrepair.

Extent/Level of EQIA required

The regulations will provide the framework for an application for EEA designation to Scottish Ministers. Where this designation is granted, it may provide local authorities with additional discretionary powers in relation to:

- checks they may carry out on landlords that are applying for entry on the register of landlords, and
- a power to inspect properties let by a landlord that is on that register.

The local authority will only be able to exercise these additional powers within the EEA.

Existing data sources provide a reasonable basis for understanding of landlords and tenants in the Private Rented Sector. Stakeholder discussions have not identified any significant issues that will have a negative impact or are discriminatory in relation to any of the groups with protected characteristics.

The Scottish Government considers that the EQIA is proportionate to the proposed regulations and has allowed sufficient consideration of relevant issues.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ²	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Private tenants tend to be younger than the population as a whole. Almost 80% of licensed HMOs are occupied by students, 84% of whom are under 25 years old. Landlords predominantly younger than retirement age - 35% of dwellings owned by those under 45, and 65% owned by those under 54.	(A) – see below (B)	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
DISABILITY	About one in ten tenants have a disability or limiting long-term illness. This rate is higher in rural areas. These tenants are more likely to be dissatisfied with their home (21%) Consultation Response: Disabled persons may be affected by EEA designation (general statement – no specifics given)	(A) (E)	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
SEX	There is almost an exact male to female gender balance amongst individual and couple owners.	(B)	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
PREGNANCY AND MATERNITY	No specific evidence	-	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
GENDER REASSIGNMENT	No specific evidence	-	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
SEXUAL ORIENTATION	There is limited information available on tenure for Lesbian, Gay, Bisexual and Transgender groups, but one survey listed respondents as 64% owner occupiers, 24% social rented tenants and 8% as private rented tenants (an estimated 2%-2.5% of the UK population are LGBT).	(C)	The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.

² Refer to Definitions of Protected Characteristics document for information on the characteristics

RACE				
Ethnic Minority Background	<p>Approximately one in three non-white households live in private rented sector, compared with one in fourteen white households.</p> <p>Approximately one in three non-white tenants experience problems accessing appropriate private rented housing, compared with one in five of all tenants.</p> <p>About 5% of PRS properties are owned by a landlord from non-white ethnic groups. In Glasgow, this percentage is higher with 14% of PRS properties being owned by members of non-white ethnic groups. (4% of Scotland's population is minority ethnic).</p> <p><i>Consultation Response:</i> If an EEA area has a higher proportion of ethnic minority landlords, there may be perception that this group is disproportionately affected. If an EEA area has a higher proportion of immigrant/ethnic minority population, there may be perception that this group is disproportionately benefitting.</p> <p><i>Consultation Response:</i> Immigrant communities may be disproportionately affected by overcrowding (general statement – no specifics given)</p> <p>It is estimated that over 40% of the population are from minority ethnic origin, compared to 4% of Scotland's population.</p> <p>The evidence suggests that there is a high concentration of the BME population residing in the unimproved, privately rented or owner occupied sectors of housing in the Govanhill area of Glasgow, one of the areas that could be subject to EEA designation. It is likely to be higher than the percentage of people from a BME background that rent from Govanhill Housing Association (27%).</p> <p>Migrant workers are highly likely to live in the private rented sector when they first arrive in Scotland. Studies quoted in review show problems of overcrowding among migrant workers and that migrant workers had lower levels of awareness of their rights and responsibilities.</p> <p>There are reports of migrant workers living in overcrowded, unsafe and sub-standard private rented housing, including multi-occupied, short-term lets.</p> <p><i>Consultation Response:</i> Migrant workers may be affected by EEA designation (general statement – no specifics given)</p>	<p>(A)</p> <p>(B)</p> <p>(D)</p> <p>(D)</p> <p>(G)</p> <p>(G)</p> <p>(A)</p>	<p>The Scottish Government considers that overall the proposal would have a positive impact on this group.</p>	
Migrant Workers	<p><i>Consultation Response:</i> Ethnic group members who have immigrated to EEA area and are living with extended family members may need to be dispersed away from family members/social network to deal with overcrowding.</p> <p><i>Consultation Response:</i> Gypsies/Travellers may be affected by regulations (general statement – no specifics given)</p> <p>It is estimated that 2000-3000 Roma live in Govanhill.</p> <p>Aspects of Roma culture, such as groups gathering to socialise on street corners, may be perceived as anti-social or threatening behaviour by other members of the community so targeting this behaviour could be interpreted as targeting an ethnic group.</p>	<p>(D)</p> <p>(D)</p> <p>(E)</p> <p>(H)</p> <p>(Hⁱ), (J)</p>		
Gypsy/ Traveller Population				

RELIGION OR BELIEF	One third of households identifying as Hindu, one in five Buddhist households and a similar proportion of Muslim households lived in the private rented sector in 2001.	(A)		The Scottish Government considers that the proposal would not have a disproportionate impact on this group and nothing was raised during the consultation to suggest otherwise.
MARRIAGE AND CIVIL PARTNERSHIP³	No specific evidence	-		-

General comments on VULNERABLE TENANTS (may fall into above categories)	Vulnerable tenants in the PRS may not always be reached by conventional information channels, and that a problem area often lies in enforcing rights which already exist. The provision therefore of adequate and easily accessible information and advice was a common theme from respondents in ensuring vulnerable tenants are protected.	(F)		
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- (A) Scottish Government's 2009 Review of the Private Rented Sector (which included a tenant survey, amongst other sources). [Review of the Private Rented Sector: Volume 1: Key Findings and Policy Implications](#) – review relating to tenants (Framing Exercise)
- (B) Scottish Government's 2009 Review of the Private Rented Sector (which included a tenant survey, amongst other sources). [Review of the Private Rented Sector: Volume 1: Key Findings and Policy Implications](#) – review relating to landlords (Framing Exercise)
- (C) Survey on housing for older LGBT people (2005) (Framing Exercise)
- (D) Consultation Response – Local Authority
- (E) Consultation Response – Regional Tenant Network
- (F) Responses to the consultation on the draft strategy for the PRS
- (G) Govanhill Housing Association: <http://www.govanhillha.org/about-govanhill>
- (H) Community Renewal – [Report on the Situation of Roma Community in Govanhill Glasgow](#) (Page 14)

³ (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)

(Hⁱⁱ) Community Renewal – [Report on the Situation of Roma Community in Govanhill Glasgow \(Page 46\)](#)

(J) [Glasgow's Ellis Island? The integration and stigmatisation of Govanhill's Roma population](#)

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			Statistically, there are a high number of young people in the PRS compared to the population as a whole. Improving the situation in communities with a high proportion of PRS stock which received an EEA designation will therefore be of benefit to this people group.
Promoting good relations among and between different age groups			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations among and between disabled and non-disabled people			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity			X	An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations between men and women			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.
Promoting good relations			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.
Advancing equality of opportunity	X			<p>Statistically there are a higher proportion of non-white residents in the PRS. A high proportion of migrant workers from outwith Scotland also live in PRS accommodation, and there are reports that some of these live in overcrowded and sub-standard accommodation.</p> <p>Improving the situation in communities with a high proportion of PRS stock within an area designated as an EEA is likely therefore be of benefit to this group.</p> <p>Action taken to tackle overcrowding or other aspects of the EEA may impact on specific tenants. For example, extended families sharing accommodation may be dispersed to reduce overcrowding in properties. Evidence gathered from some local authorities during the Consultation suggests that this may disproportionately affect residents who are from particular races or cultural backgrounds. Likewise, research suggests that members of some communities may display cultural behaviour which is viewed as antisocial or threatening by the wider community in the EEA – for example, groups of Roma congregating on street corners.</p> <p>Local Authorities will be required to demonstrate that they will use the additional discretionary powers granted with EEA designation as part of a wider strategy. Local authorities will have to comply with Equalities duties when they use these powers and be able to demonstrate that they have taken action to limit any disproportionate impact on this group. All residents of the EEA will benefit from the improvement in conditions.</p>
Promoting good race relations			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership ⁴	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Scottish Government does not consider there to be any significant benefits or risks for the policy in terms of delivering on this equality issue and nothing was raised during the consultation to suggest otherwise.

⁴ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an EEA will benefit all tenants and prospective tenants.</p> <p>This may be of particular advantage to young people and non-white tenants, of whom there are a disproportionate number in the PRS relative to the population as a whole. Migrant workers in particular may benefit from improvements to poor conditions and overcrowding in the PRS.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010⁵?</p>	<p>However, the process of dealing with some of the characteristics of the EEA, such as overcrowding, may impact on particular groups of tenants more than others, i.e. those from certain cultural backgrounds. It will be for the local authority to ensure that it mitigates any negative impact</p>
<p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p>	<p>The application for an Enhanced Enforcement Area designation will be made – and the resultant powers employed – at the discretion of local authorities. The local authorities concerned will have to use the powers granted in such a way as to meet their duties under the Equality Act 2010.</p> <p>We consider that this provision is a proportionate means of achieving a legitimate aim, which will offer significant long-term benefits all residents of the area, including those with protected characteristics who may be disproportionately affected in the course of implementation.</p>
<p>If not justified, what mitigating action will be undertaken?</p>	<p>Not applicable</p>

Describing how Equality Impact analysis has shaped the policy making process

To ensure that this policy would not impact adversely or unfairly on any groups, the Scottish Government included a partial EQIA in the consultation on Regulations and invited comments on this.

⁵ See EQIA – Setting the Scene for further information on the legislation.

Both the framing exercise and the consultation identified potential areas of disproportionate impact on equalities groups, although these are all indirect results of the policy, and are largely positive outcomes. The one protected characteristic where a possible indirect negative impact was noted was that of race. However, the Scottish Government also identified long term positive impacts of the policy on the same equalities group; namely the improvement of conditions within the affected area, and therefore considers this policy a proportionate means to achieve the legitimate aim of improvement. For this reason, the Scottish Government's policy aims and methods have not changed, although the Equalities Impact Assessment has highlighted the need to cover these potential impacts in the guidance produced to accompany the regulations.

As the regulations will be utilised at the discretion of local authorities seeking to tackle problems in particular areas within their jurisdiction, the primary responsibility for complying with the Equality Act 2010 and maintaining equality of impact at the point of implementation will fall on the local authorities concerned. This will be emphasised in the guidance produced by the Scottish Government.

The Scottish Government will require local authorities applying for an Enhanced Enforcement Area designation to submit details of their wider strategy to tackle the problems of overcrowding, poor standards and anti-social behaviour within the area concerned. This would outline work that the local authority is doing to tackle bad practice either directly or by working with other bodies, agencies or community groups. This might include promoting private landlord forums, training on legal responsibilities and meeting good practice, encouraging accreditation with recognised bodies or schemes of good practice, and promoting access to information about landlords' and tenants' responsibilities that is already publicly available.

In responses to a Scottish Government public consultation in 2009, several local authorities highlighted the need to consider the potential of language difficulties in relation to understanding the need for enforcement action, and more generally ensuring that information about housing rights and assistance was accessible. If there are groups within the area selected for designation who may experience barriers to communication, for example residents or landlords who are unlikely to be reached by traditional channels of communication, or whose first language is not English, the Scottish Government would expect them to be identified at this point, and a plan for mitigation set out.

The regulations will also specify that the local authority must advertise the Enhanced Enforcement Area designation to landlords, tenants, community groups, advice agencies and other partner bodies and agencies; mitigation of inequalities in the dissemination of information will also need to be considered as part of this.

An overall improvement in the conditions and extra tools to tackle anti-social behaviour in an Enhanced Enforcement Area will benefit all tenants and prospective tenants within the communities where the designation is applied. The Equalities Impact Assessment has informed the guidance that the Scottish Government will produce to accompany these regulations. This will enable the regulations to be

implemented in a way which will be of benefit across the community, while minimising any disproportionate effects.

Monitoring and Review

As no equality issues were identified, there will be no formal monitoring of the policy on equality grounds at Scottish Government level. However, monitoring will be carried out by those local authorities who have applied for Enhanced Enforcement Area status for an area within their jurisdiction. The regulations regarding Enhanced Enforcement Areas will require local authorities to report back to Ministers during the period of the Enhanced Enforcement Area designation, giving updates on progress and how the powers have been used to achieve this. As the powers will be used as part of an explicit wider strategy to tackle the problems identified within the Enhanced Enforcement Area, this report will include an assessment of the impact on Equalities groups.

If a local authority chooses to apply for an extension of the Enhanced Enforcement Area designation, Scottish Ministers will require it to provide a report setting out how it has used the additional powers along with an assessment of the impact of its strategy on the wider community. This will include both a reflection on the success of efforts to alleviate any inequalities in implementation, and plans for any further mitigation required.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:
 - Eliminating unlawful discrimination, harassment, victimisation;
 - Removing or minimising any barriers and/or disadvantages;

- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Housing (Scotland) Act 2014, Section 28 Private Rented Housing: Enhanced Enforcement Areas - Regulations and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: *Bill Barron*

Position: Deputy Director, Housing Services and Regeneration
Authorisation date: