

EqlA - Tenancy Terms & Conditions Review 2016/17

Version Number	1.0
Date Last Reviewed:	Aug 2016
Approved by:	
Date approved:	
Next review date:	

1. Management of the EqlA

Adrian Brown, Head of Housing and Community Infrastructure Commissioning
Dawn Mather, Service Development Officer

2. Identification of policy aims, objectives and purpose

Tenancy terms and conditions are a legal requirement which set out the roles and responsibilities of tenants and the Council. They are updated from time to time in order to account for changes in legislation, and national and local policy. A decision is being sought at Cabinet in September 2016 to amend the current terms and conditions. These amendments are required for the following reasons:

- address changes in legislation;
- strengthen some anti social behaviour clauses and introduce clauses relating to dangerous dogs and animals in line with the Anti Social Behaviour Crime and Policing Act 2014;
- introduce new clauses around gas and fire safety requirements;
- amend rent clauses to provide for proposed legislative changes to social housing rents set out in the Welfare Reform and Work Bill 2015, and the Housing and Planning Act 2016; and
- ensure they reflect Council policy e.g. the resilience agenda

3. Scope / focus of the EqlA

A large number of changes have been proposed to the current terms. They are largely administrative, to tidy the document, cluster similar clauses, bring the terms up to date with recent legislation and to simplify wherever possible. These type of amendments are not in scope of this Equality Impact assessment (EqlA). Only changes that are considered to have an affect on tenants rights or responsibilities, are in scope of this EqlA.

The key changes:

- i. The new rent clause requires rent payments by direct debit, and this is likely to have the biggest impact on residents, and data on those who pay by direct debit and those who don't has been analysed below to consider this impact.
- ii. Additional clauses regarding gas and fire safety are introduced to ensure tenants are aware that they must request permission if installing or changing a gas appliance, and they must now provide a gas safety certificate (CP12). Fire doors must never be removed. These clauses are aimed at improving safety for all residents and ensuring that gas safety checks are up to date.
- iii. The operation of drones has been added and will no longer be allowed. This is to ensure privacy and reduce anti-social behaviour (ASB).
- iv. Dangerous dogs, and wild animals will no longer be allowed in council properties, and breeding animals is specifically prohibited. Dogs must be microchipped as is now law, in order for permission to keep them to be granted, and is deemed to have a positive impact.

It is necessary to assess the equality impact of the changes to the terms and conditions on the groups the policy is relevant to. In extreme circumstances action can be taken against tenants to recover properties if tenancy terms and conditions are breached. Action is rare and eviction occurred in 37 cases throughout 2015/16, 33 for rent arrears and 4 for ASB. It is highly unlikely that any legal proceedings would be brought against a tenant due to non-payment by direct debit, unless this is coupled with significant rent arrears. Clear processes and support mechanisms are already in place in order to try to rectify any potential breaches of tenancy long before legal action is undertaken, and where legal proceedings go ahead, vulnerability or support needs are considered as part of that process.

Protected Characteristic	Assessment of relevance High, Medium, Low	Provide evidence
Age	Medium	The majority of tenants are between the ages of 25 and 54. The tenant population is slightly older than the general population of over 18s in the borough, based on 2011 census data
Disability	High	23% of current tenants are identified as having a disability, compared with 13.9% of the general adult population in Newham who consider that their day to day activities were limited either a little or a lot by a long-term health problem or disability. (Census 2011 data)
Transgender	Low	No specific data exists, however relevance

		is deemed to be low
Pregnancy and maternity	Low	Impact is deemed to be low.
Race	Low	The tenant profile is not an exact match to the borough profile, however this can be attributed to the fact that the majority of tenants have lifetime tenancies and therefore the profile of tenants has not changed at the same speed as the borough profiles.
Religion / belief	Low	No specific data exists, however relevance is deemed to be low
Sexual orientation	Low	No specific data exists, however relevance is deemed to be low
Gender	Low	A much higher proportion of tenants are female when compared with the general population. Currently 61% of tenants are female, whilst 66% of those who currently pay by direct debit are female
Class or socio-economic disadvantage	High	The nature of social housing tenants is such that they are often reliant on state benefits and/or on lower than average incomes. Specific data for this does not exist for Newham tenants however, this is widely accepted.

4. Relevant data, research and consultation

As part of the development of the proposed terms and conditions, an informal consultation took place from 19 December 2015 to 29 January 2016. This was a very general consultation and consisted of writing to every tenant (some 15,000) to whom the changes will apply. They were invited to comment on the changes via the internet, submitting views as to whether they supported or objected to the changes, and if they objected why. This was aimed at gauging the level of reaction to the proposed changes, anticipating any particularly controversial clauses and giving the opportunity to comment and suggest amendments prior to the formal consultation process which will need to follow. Those who requested it were sent paper forms and prepaid envelopes in order to make their comments.

Although the response rate was very low (only approximately 100 responses), feedback was largely positive. This gives the impression that there are no particularly controversial changes in the proposals. The overall results showed that 67% of those who expressed an opinion were in favour of the changes.

Statutory consultation will need to take place in order to legally vary the terms and conditions that apply to secure (lifetime and fixed term) tenancies,

introductory and non secure tenants, if cabinet agrees that the proposed changes can be made.

This will take place via a legal process set out under S.103 of the Housing Act 1985. This requires a preliminary notice to be served on each tenant that (a) informs them of the council's intention to vary the tenancy terms and conditions; (b) specifies the proposed variations and their effect; and (c) invites them to comment on the proposed variations. This process ensures that any changes are clearly identified and simplified for tenants to comment on.

To effect any variation, the Council must then serve a notice of variation specifying the variation effected by it and the date on which it takes effect. The period between the date of service of the notice and the date on which it takes effect must be at least four weeks, thereby allowing the tenant to avoid the variation by giving notice to quit before it takes effect. The notice of variation must be accompanied by such information as the Council considers necessary to inform the tenant of the nature and effect of the variation.

In addition to tenant consultation, a range of departments including Enforcement and Safety, Street Cleansing and Waste, Public Spaces were also consulted during the development of the terms and conditions, along with Councillors, and the Residents Housing Scrutiny Group.

Profile of all affected Newham tenants

Characteristic	Tenant profile (%)	Newham Profile (%)	Direct Debit Payers	Non Direct Debit Payers
GENDER				
Female	61	48	66	60
Male	39	52	34	40
AGE				
18-24	1.53	6.5	< 1	1
25-34	10.50	71.5	9	10
35-44	19.80		18	20
45-54	26.80		26	28
55-64	18.00	10.5	17	19
65-75	12.18	6.5	17	12
75+	11.19	5	14	10
ETHNICITY				
Asian	21.35	43.5	19	21
Black	31.84	19.6	35	33
White	42.38	4.5	41	42
Mixed	2.31	3.5	2	2
Other	2.21	3.5	2	3
DISABILITY				
Disabled	22	13	26	21
Non Disabled	78	87	74	79
RELIGION				
Christian	54	40	*	*
Muslim	33	32	*	*
Hindu	3	9	*	*
None	5	9.5	*	*
Other	5	9.5	*	*

Data source:

*

data not available

Tenant profile:

Northgate Housing Management System

Borough profile:

Census 2011

5. Assessment of Impact and outcomes

Protected characteristics	Issues taken from evidence	Judgement (positive / negative)	Recommendations
Socio –economic status	For those on variable incomes, for example zero hours contracts, the amount of rent may vary due to changing level of HB contributions. Direct debit may in this case more difficult to manage.	Negative	Outstanding benefit and individual circumstances is always considered when referring cases for legal action. Contact can be made with Income Collection Officers for advice through email or telephone. Individuals can be referred to MoneyWorks for financial advice and support.
Disability	Of those who pay by direct debit, 26% have a disability, compared with 21% of those paying by other methods. Using this payment method is likely to be beneficial as payments are automated, thus reduces the need to physically make the payments and remember payment due dates.	Positive	People with disabilities will be able to access assistance to get a Direct Debit set up where they do not currently have one. Contact can be made with Income Collection Officers via email or telephone for advice and support. Assistance will be provided through either customer services and/or MoneyWorks.
Age	A slightly higher percentage of those who pay by direct debit are over 65, compared to those who don't.	Positive	Older people will be able to access assistance to get a DD set up where they do not currently have one. Contact can be made with Income Collection Officers

			via email or telephone for advice or support Assistance will be provided through either customer services and/or moneyworks
--	--	--	--

Equality Impact Assessment Action Plan for Tenancy Terms & Conditions						
Issues identified and groups affected	Actions to be taken	Timescales of actions	Who is responsible for delivery	Intended outcomes	Performance measures	Reference to service or other plans
Socio economic disadvantage	Any tenants expressing concerns about paying by Direct Debit to be offered assistance from Moneyworks for setting up a bank account and general financial advice	In place	Head of income collection	Resident support	No of referrals	N/A
Age/Disability	Direct Debit forms will be sent out to all tenants prior to implementation	March 2016	Head of income collection	Residents are able to and understand how to set up DD	Increase in DD payments	

6. Formal agreement

- a. Interim Head of Housing
- b. Head of Strategic Commissioning and Intelligence

7. Publication of results

- a. Summary version will be published as part of the Cabinet Report on Tenancy Terms & Conditions – Sept 2016

8. Monitoring and review

- a. The EqIA will be monitored prior to implementation of new terms and conditions in March 2017.
- b. The EqIA will be reviewed after one year after the new terms & conditions are implemented in April 2018.