

BRIEFING PAPER



Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Amendments to the Tenancy Agreement
Brief Service Profile (including number of customers)	
<p>Southampton City Council’s Housing Service currently manage 18,000 homes in the city. Of these, 2,000 properties are leasehold properties and the remaining 16,000 are let as tenancies. The majority of these tenancies are let as secure lifetime tenancies, however, there are a small number of flexible/fixed term tenancies. The Housing Service let properties on both social and affordable rent.</p> <p>As a social landlord the council has a number of objectives to shape the way in which housing services are delivered. Meeting the greatest possible degree of housing demand is a key objective but to do this in a way which supports individual households, enhances community stability and recognises the difficulties parts of our community face.</p> <p>In order to achieve these objectives the council must define a consistent framework which sets out the rights and conditions of Southampton tenants when signing the tenancy agreement. It should also state the council’s responsibilities to the tenants.</p> <p>The council aims to:</p> <ul style="list-style-type: none">• provide affordable housing, for local residents, in housing need;• ensure homes are allocated fairly and efficiently, taking into account the applicant’s individual needs;• make best use of all the available social housing homes; and• give people the opportunity to express preferences about housing accommodation to be allocated to them.	

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Summary of Impact and Issues

The Tenancy Agreement was last changed in April 2003 and therefore does not reflect the council's latest position in terms of regulation and processes. The proposed review/amendments are to ensure that the agreement remains fit for purpose.

Potential Positive Impacts

The Tenancy Agreement has been updated to reflect the current position in terms of responsibilities of Southampton tenants and those of the city council. Changes include:

- Rent - to change the rent payments from a 48 to 52 week financial year. This is to align the rent weeks to the same timescales as other council departments and services. This also includes benefits that some tenants may be eligible for such as Universal Credit. The agreement also reinforces the tenant's responsibility to pay their rent including rent in advance at the start of the tenancy to avoid arrears action and loss of their tenancy.
- Any day start date - the introduction of an any week-day tenancy start date to ensure flexibility for customers when taking up their tenancy. It is also to maximise income for Southampton City Council (tenancies always previously started on a Monday).
- Inclusion of garden and maintenance of this – a stronger clause and identifying this area specifically enables us to enforce action including imposing charges and recovering costs for damage to the property and garden.
- Anti-social behaviour – Stronger clauses will help reduce anti-social behaviour which impacts on tenants who fall into the protected characteristics. An additional element has also been added which specifically refers to domestic abuse within the Tenancy Agreement. This aligns with the Domestic Abuse Act 2019 ensuring that the appropriate action is taken when working with vulnerable tenants and perpetrators.
- Subletting - The Prevention of Social Housing Fraud Act 2013 criminalises the unauthorised subletting of homes and enables us to take stronger measures to recover properties. Inclusion of a reference to prosecution for this offence within the tenancy agreement illustrates the changes and enables us to take enforcement action.
- Health and Safety requirements – addition of fire prevention equipment (i.e. sprinklers) in our blocks has highlighted the need to add further detail. It is also a health and safety requirement to ensure tenants are safe in their homes and communal environment. Giving tenants clearer information and education of their rights and responsibilities can ensure that tenants do not cause fire hazards in their home and communal areas.

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The changes to the Tenancy Agreement will allow the council to continue to offer tenancies to the residents of Southampton, ensuring that housing stock is used to its best effect so that homelessness is avoided wherever possible. It will also allow the council to maximise the opportunity for Southampton residents to access housing suitable for their needs.

Responsible Service Manager	Marie Dakin
Date	27.11.19
Approved by Senior Manager	Steve Smith
Date	27.11.19

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	Potential impact on older and vulnerable tenants in being able to maintain gardens and boundaries.	There is currently a statement at point 5.7 of the tenancy agreement which enables us to offer additional help to older and vulnerable tenants in exceptional circumstances with these tasks.
Disability	<p>Potential impact on tenants with disabilities in being able to maintain gardens and boundaries.</p> <p>Potential impact on tenants understanding the agreement who have visual impairments.</p>	<p>There is currently a statement at point 5.7 of the tenancy agreement which enables us to offer additional help to older and vulnerable tenants in exceptional circumstances with these tasks.</p> <p>To organise for audio copies to be made available for those households identified</p>
Gender	No identified impact	

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Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Reassignment		
Marriage and Civil Partnership	No identified impact	
Pregnancy and Maternity	No identified impact	
Race	Potential impact on tenants who may not have English as a first language and who may not understand the agreement.	Copies to be translated for households identified upon request.
Religion or Belief	No identified impact	
Sex	No identified impact	
Sexual Orientation	No identified impact	
Community Safety	Improves safety through education and enforcement of health and safety requirements of fire risk.	
Poverty	Enforcing payment of rent from 48 to 52 weeks may cause problems with budgeting and confusion for residents.	The change to a 52 week rent year does align itself to current benefit and pension payments. The council will give clear information on budgeting, debt and savings advice when advising tenants of the changes to the tenancy agreement with contact details and information on the departments and agencies who can provide support and assistance if tenants have concerns or do not understand the impact of the change. An illustration of the impact on an individual's rent account will also be given as an example.
Health & Wellbeing	No identified impact	
Other Significant Impacts	No identified impact	