



# Equality Impact Assessment

## Leasehold Management Policy

## Contents

<b>Document details</b> .....	3
<b>1.0 Purpose of the Equality Impact Assessment</b> .....	4
<b>2.0 Applicable legislation and regulations</b> .....	4
<b>3.0 Summary</b> .....	5
<b>4.0 Information</b> .....	6
4.1 Aim of the decision.....	6
4.2 Aim of the policy.....	6
4.3 Intended outcome(s).....	6
4.4 Impact of the decision.....	7
4.5 Internal consultations.....	7
4.6 Intended beneficiaries.....	7
4.7 Main stakeholders.....	7
<b>6.0 Assessment of the decision</b> .....	8
<b>6.0 Impact and Mitigations</b> .....	9

## Document details

<b>Title</b>	Leasehold Management Policy
<b>Document type</b>	Policy
<b>Version submitted for decision</b>	V0.3
<b>New or Existing document</b>	New document
<b>If this is an existing document, is this a major or minor change?</b>	N/A
<b>Decision makers</b>	Cabinet
<b>Type of decision</b>	Approval and adoption
<b>Date of decision</b>	5 February 2024

<b>Responsible department</b>	Asset Management
<b>Are other departments or partners involved in delivering this strategy, policy, plan, or project?</b>  <b>If 'Yes' please provide details.</b>	<p>Yes</p> <p>Officers in the following teams will be involved to some extent in the Policy's implementation and delivery:</p> <ul style="list-style-type: none"> <li>• Property services</li> <li>• Strategic Housing</li> <li>• Accounts</li> <li>• Income Recovery</li> <li>• Housing Management</li> <li>• Legal</li> </ul>

Contact Officer: Perry DeSouza, Senior Housing Policy Officer (ext. 42137)

## **1.0 Purpose of the Equality Impact Assessment**

The Equality Act 2010 replaced the previous anti-discrimination laws with a single Act simplifying the law by removing inconsistencies, making it easier to understand and therefore comply with it, and strengthens it to help tackle discrimination and inequality. The Act came into force on 1 October 2010.

The Public Sector Equality Duty (PSED) came into force on 5 April 2011. The duty ensures that all public bodies, including the Council:

- play their part in making society fairer by tackling discrimination and providing equality of opportunity for all; and
- consider the needs of all individuals in their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

PSED encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet the needs of different groups of people. Where activities may have an impact to one particular group of people, public bodies are required to identify mitigations that will either lessen the impact or provide an alternative solution to meet the needs of that particular group.

By understanding the effect our activities have on different groups of people, and how inclusive our services can support and increase people's opportunities, the Council will be better placed to deliver policies and services that are efficient and effective.

This Equality Impact Assessment (EIA) helps the Council to ensure that we fulfil our legal obligations as per the PSED and to have due regard to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **2.0 Applicable legislation and regulations**

The following legislation and regulations apply to the proposed policy:

- Housing Act 1985
- Landlord and Tenant Act 1985
- Human Rights Act 1998
- Commonhold and Leasehold Reform Act 2002
- Regulatory Reform Act 2002
- Regulatory Reform (Fire Safety) Act 2005

- Equality Act 2010
- General Data Protection Regulations (GDPR) 2018
- Data Protection Act 2018
- The Housing (shared Ownership Leases) (Exclusion from Leasehold Reform Act 1976 and Rent Act 1977) (England) Regulations 2021

The following documents also apply to this policy:

- Capital Funding Guide
- Shared Ownership: Buying, Improving and Selling
- Home Standard 2012
- Neighbourhood and Community Standard 2012

The following Council strategic documents relate to this policy:

- Shared Ownership Policy
- Corporate Plan
- Complaints Policy
- Tenant Engagement Strategy
- Asset Management Strategy (in development)
- Mobility Scooter Policy
- Compliance Safety Policies
- Neighbourhood Management Policy

### **3.0 Summary**

When an eligible resident purchases a flat or a house under the Right to Buy (RTB) scheme or Shared Ownership, they enter into a legal agreement to become a Leaseholder. As part of the purchase, the Leaseholder agrees to adhere to the provisions within their lease agreement. The Council also has a responsibility to adhere to the lease agreement.

Leasehold management is guided by a legal framework, lease agreements, case law, regulations, and sources of good practice. To recognise this and provide a focus for continual improvement a Leasehold Management Policy has been developed that sets out our aims, responsibilities and obligations relating to the management of leasehold properties, as well as responsibilities and expectations of leaseholders.

This equality impact assessment (EIA) has been undertaken in accordance with the public sector equality duty (PSED) as stipulated in Section 149 of the Equality Act 2010. The EIA has identified some potentially positive and negative impacts with the implementation of this policy.

## 4.0 Information

### 4.1 Aim of the decision

The aim of the decision is for Cabinet to approve the content of the proposed policy, and for the policy to be adopted by the Council enabling Officers to make informed and compliant decisions regarding leasehold management.

### 4.2 Aim of the policy

The Policy will help provide effective and efficient leasehold management and to clearly set out the approach and cost for services. The individual aims of the policy are:

1. To set out the responsibilities and obligations of the Council and the leaseholder in accordance with the lease agreement and relevant legislation.
2. To ensure that we meet our responsibilities as the freeholder as contained in the lease agreement between us and the leaseholder.
3. Ensure leaseholders adhere to the lease agreement, and where there are breaches, what actions the Council will take to enforce them.
4. To set out a broad framework under which we will provide an efficient, customer focused leasehold management service that offers value for money.

### 4.3 Intended outcome(s)

The intended outcomes of the policy would be that:

1. Leasehold properties are managed in a compliant way in accordance with legislation and regulations; and
2. Officers and leaseholders are aware of their responsibilities regarding the upkeep and management of leasehold properties.

The intended outcomes from the implementation of the policy are:

1. Staff, leaseholders, and applicants can take guidance from the document on how leasehold properties are managed.
2. Leaseholders are aware of their responsibilities.
3. Staff can conduct themselves in a consistent and professional manner with regards to leasehold management.

#### 4.4 Impact of the decision

To date, the Council has a total of 463 leasehold properties within our housing stock. 429 properties are leases under the Right to Buy scheme, while 34 are properties sold through the shared ownership scheme. In total there are 458 flats and 5 houses.

It is likely that the number of properties impacted by the policy will increase over time since:

- Eligible Council tenants can purchase their Council home through the Right to Buy scheme; and
- The Council has a commitment to deliver a range of affordable housing options, which includes Shared Ownership properties.

The decision to implement the policy should have a positive impact to leaseholders, since it will inform them of how the Council will manage leasehold properties in accordance with the individual lease agreements.

Staff will benefit from the policy as it will provide them with guidance on leasehold management including repairs and maintenance, service charges, and enforcement, so that services can be delivered in a consistent manner and enabling them to provide better customer service and care.

#### 4.5 Internal consultations

An internal consultation with several teams was conducted during the development to review the content of the Policy to ensure that it was reflective of current practices, sharing of good practice and where improvements to services could be made. The teams involved included:

- Property Services
- Housing Services
- Accounts
- Legal

#### 4.6 Intended beneficiaries

The intended beneficiaries of this policy are Council leaseholders and staff.

#### 4.7 Main stakeholders

The main stakeholders in relation to this policy are:

- Leaseholders
- Family members of leaseholders
- Council staff

- Councillors

## 6.0 Assessment of the decision

The table below assesses if the decision is likely to be relevant to the three aims of the Equality Duty.

If the decision is relevant to the three aims of the Equality Duty, the Impact and Mitigations table must be completed to show how it is relevant and what the impact(s) will be.

Aim	Relevance Yes/No
Eliminate discrimination, harassment, victimisation.	Yes
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.	Yes
Foster good relations between persons who share relevant protected characteristics and persons who do not share it.	Yes



## 6.0 Impact and Mitigations

Characteristic	Relevance High/Medium/Low	Impact of the decision Positive/Neutral/ Negative	Reasons for impact	Mitigations
Age	High	Negative	<p>It is acknowledged that there may be financial pressures for retired leaseholders or those on low incomes (of all ages) to cover the cost of repairs and maintenance where this is their responsibility.</p> <p>The Policy prohibits the storage of items in shared areas in blocks of flats. This may negatively impact on elderly leaseholders who have or are thinking of having a mobility scooter. This is in accordance with the Mobility Scooter Policy.</p>	<p>Whilst the Council is not responsible for paying for repairs that are the responsibility of the leaseholder, where we are the responsible and the leaseholder is expected to contribute towards the costs, we may consider introducing payment plans to help spread the cost and reduce the financial impact.</p> <p>We will ensure that leaseholders are supported with advice and sign-posted to organisations who can provide professional financial support.</p> <p>We will engage with leaseholders where they are in breach of this policy and / or their lease agreement.</p> <p>We will work with leaseholders to find alternative solutions, prior to progressing to take enforcement action. This may include conducting</p>

				<p>an Individual Equality Impact Assessment for leaseholder who use mobility scooters, and / or (where necessary) making additional space available for storage.</p> <p>A check sheet is provided on our website that informs leaseholders how they can correctly store and charge their mobility scooter.</p>
Disability	High	Negative	<p>It is acknowledged that some residents who require repairs to their property may find this difficult to arrange or understand what their responsibilities are.</p> <p>The Policy prohibits the storage of items in shared areas in blocks of flats. This may negatively impact on disabled leaseholders who have or are thinking of having a mobility scooter. This is in accordance with the Mobility Scooter Policy.</p>	<p>By working with leaseholders, the Council will be able to identify any additional support required by disabled leaseholders to help them meet the conditions of their lease agreement. This could include reasonable adjustments such as providing information in different formats to explain documents.</p> <p>We will ensure that leaseholders are supported with advice and sign-posted to organisations who can provide professional financial support.</p> <p>We will engage with leaseholders where they are in breach of this</p>

				<p>policy and / or their lease agreement.</p> <p>We will work with leaseholders to find alternative solutions, prior to progressing to take enforcement action. This may include conducting an Individual Equality Impact Assessment for leaseholder who use mobility scooters, and / or (where necessary) making additional space available for storage.</p> <p>A check sheet is provided on our website that informs leaseholders how they can correctly store and charge their mobility scooter.</p>
Gender	Low	Neutral	<p>It is not anticipated that the Council would need to take further action to enable access for this group.</p> <p>Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.</p>	No mitigations are needed.

Gender reassignment	Low	Neutral	<p>It is not anticipated that the Council would need to take further action to enable access for this group.</p> <p>Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.</p>	No mitigations are needed.
Marriage and Civil Partnership	Low	Neutral	<p>It is not anticipated that the Council would need to take further action to enable access for this group.</p> <p>Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.</p>	No mitigations are needed.
Pregnancy and Maternity	Medium	Neutral	<p>It is acknowledged that there may be financial pressures for leaseholders during the period of pregnancy and maternity to cover costs of repairs and maintenance where this is their responsibility.</p>	<p>Whilst the Council is not responsible for paying for repairs that are the responsibility of the leaseholder, where we are the responsible and the leaseholder is expected to contribute towards the costs, we may consider introducing payment plans to help spread the cost and reduce the financial impact.</p> <p>We will ensure that leaseholders are supported with advice and sign-</p>

				posted to organisations who can provide professional financial support.
Race	Low	Neutral	It is acknowledged that some leaseholders whose first language is not English, or who have difficulty understanding English, may require additional support.	<p>We will work with leaseholders to ensure that documents and information is provided to them in a format that works for them, which may include translated versions.</p> <p>We will ensure that as many documents are written in plain English.</p>
Religion, Belief or Lack of Belief	Low	Neutral	<p>It is not anticipated that the Council would need to take further action to enable access for this group.</p> <p>Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.</p>	No mitigations are needed.
Sexual Orientation	Low	Neutral	<p>It is not anticipated that the Council would need to take further action to enable access for this group.</p> <p>Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be</p>	No mitigations are needed.

			taken to mitigate any barriers identified.	
--	--	--	--	--