Equality Impact Assessment (EIA)

Document Control

Control Details:	
Title:	New and Amended Enforcement Policies in relation to Ground Rents, Energy Performance Certificates (EPCs), and Letting Agency Legislation
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Director:	Colin Parr
Division:	Communities, Environment and Resident Services
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Contributors/Reviewers (Anyone who has contributed to this document to be named)

Name	Title role	Date
Nasreen Miah	Equality & Employability Consultant	21/11/2024, 19/03/2025

Glossary of Terms

Term	Description
EIA	Equality Impact Assessment
EPC	Energy Performance Certificate
CMP	Client Money Protection
PACE	Police and Criminal Evidence Act 1984
RIPA	Regulation of Investigatory Powers Act 2000
CPIA	Criminal Procedure and Investigations Act 1996
PRS	Private Rented Sector
IMD	Indices of Multiple Deprivation
EAL	English as an Additional Language

Section 1 – Equality Impact

(NCC staff/ Service users/ Citizen/ Community impact)

1. a. Brief description of proposal/ policy/ service to be assessed

The decision is to implement two new enforcement policies and substantially amend one existing enforcement policy. All three enforcement policies relate to the private property sector and the below legislation:

Leasehold Reform (Ground Rent) Act 2022. The Act prohibits ground rents for most new long residential leasehold properties.

Tenant Fees Act 2019. The Act restricts fees charged to tenants in the Private Rented Sector to a list of 'permitted payments'.

Consumer Rights Act 2015. The Act requires that letting and property management agents must display certain information, including the fees they charge to tenants and landlords.

The Redress Schemes for Letting Agency work and Property Management work (Requirement to belong to a scheme) (England) Order 2014. The Order requires that letting and property management agents must be a member of a redress scheme.

The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019. The Regulations require that letting and property management agents must be a member of a Client Money Protection (CMP) scheme.

The Energy Performance of Buildings (England and Wales) Regulations 2012. The Regulations state that Energy Performance Certificates (EPCs) must be procured and provided to prospective buyers and tenants. The EPC rating must be stated in any advertisement in commercial media.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. The Regulations state that where a property is privately rented, that property's EPC rating must be E or above.

1. b. Information used to analyse the equalities implications

Nottingham is ranked as the 11th most deprived district in England in the 2019 Indices of Multiple Deprivation (IMD). 28.6% of households in Nottingham City privately rent their property; over 8 percentage points higher than the England average. Households that rent their home may, on average, be more financially vulnerable than households that are owner-occupiers.

The legislation listed in Section 1a above primarily benefits tenants in the Private Rented Sector (PRS). It ensures that:

- Tenants live in an energy efficient property
- Energy Performance Certificate ratings are made available when searching for a home to rent
- Tenants have access to redress with their letting or property management agent
- Tenants' money is protected in a Client Money Protection scheme
- Tenants are not charged prohibited fees when searching for and residing in privately rented housing

The legislation also benefits landlords that use a letting or property management agent:

- Landlords have access to redress with their letting or property management agent
- Landlords' money is protected in a Client Money Protection scheme
- Details of fees charged to landlords are made available by letting and property management agents

The legislation also benefits owner-occupiers:

- Ground rents for most new long residential leasehold properties are prohibited
- If an agent manages their block or estate, owner-occupiers have access to redress with their property management agent
- Energy Performance Certificate ratings are made available when searching for a home to buy

There is no statutory requirement to consult on the proposed decision and a consultation will not take place. Nottingham City Council has a duty to enforce all of the pieces of legislation to which this Equality Impact Assessment (EIA) relates.

There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.

The enforcement policies will allow enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account. All financial penalties have a right to appeal.

1. c. Who will be affected and how?

Equality group/ individual	Impact type	Positive	Negative	None
People from different ethnic groups	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	Not applicable			
Details of any arrangements for future monitoring of equality impact (Including any action plans)	Should any party not speak English, or speak English as an Additional Language (EAL), on request Nottingham City Council will translate documents to that party's preferred language. Interpreters may also be used, either face-to-face or by telephone, to ensure that all parties are able to understand advice and information given by Nottingham City Council officers.			
Equality group/ individual	Impact type	Positive	Negative	None
Men	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐

Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Women	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			

Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Trans	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
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Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.			

Equality group/ individual	Impact type	Positive	Negative	None
Disabled people/ Carers	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐

Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.
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Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Pregnancy and maternity	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			

Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Marriage/ Civil Partnership	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.			

Equality group/ individual	Impact type	Positive	Negative	None
People of different faiths/ beliefs and those with none	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐

Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Lesbian/ Gay/ Bisexual people	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			

Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Older	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.			

Equality group/ individual	Impact type	Positive	Negative	None
Younger	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers.			

	There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.

Equality group/ individual	Impact type	Positive	Negative	None
Care Experience (Please refer to the guidance notes for further information)	☐ NCC staff ☐ Service users ☒ Citizens ☒ Community	☒	☒	☐
Reasons for your assessment (Including evidence)	As stated in Section 1b, there are positive impacts for tenants, landlords that use a letting or property management agent, and owner-occupiers. There may be negative impacts for landlords and letting & property management agents that do not comply with the legislation. Enforcement action may be taken by Nottingham City Council in the event of non-compliance, which may include the imposition of a financial penalty. All enforcement action will be carried out in accordance with the enforcement policies.			
Details of mitigation/ actions taken to advance equality	The enforcement policies provide a framework for enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account, in line with the relevant enforcement policy.			
Details of any arrangements for future monitoring of equality impact (Including any action plans)	All financial penalties have a right to appeal. This EIA will be updated should any changes occur.			

Equality group/ individual	Impact type	Positive	Negative	None
Other (E.g. Cohesion/ good relations, vulnerable children/ adults), socio-economic background (e.g. financial vulnerable)	☐ NCC staff ☐ Service users ☐ Citizens ☐ Community	☐	☐	☒
Reasons for your assessment (Including evidence)				
Details of mitigation/ actions taken to advance equality				
Details of any arrangements for future monitoring of equality impact (Including any action plans)				

1. d. Summary of any other potential impact

(Including cumulative impact/ human rights implications):

Nottingham City Council has a duty to enforce all of the pieces of legislation to which this Equality Impact Assessment relates.

The enforcement policies will allow enforcement action to take place in a fair, proportionate, and consistent way. Where financial penalties are variable, the penalty amount will take the culpability and harm into account. All financial penalties have a right to appeal.

Enforcement will ensure that parties operating in Nottingham's property market comply with the above legislation. This ensures that existing protections are fully implemented for landlords, tenants, and owner-occupiers and that their legal rights are upheld.

As stated in the Nottingham City Council Enforcement Policy, all enforcement action will be undertaken with due regard to the provisions of the Police and Criminal Evidence Act 1984 (PACE), the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 (RIPA), and the Criminal Procedure and Investigations Act 1996 (CPIA). These pieces of legislation derive from the European Convention on Human Rights, in particular:

- Article 6 – the right to a fair trial
- Article 8 – the right to respect for private and family life

Should any changes occur, this EIA will be updated.

Section 2 – Equality outcome

Please include summary of the actions identified to reduce disproportionate negative impact, advance equality of opportunity and foster good relations. Please pull out all the mitigations you have identified and summarise them in this action plan

Equality Outcome	Adjustments to proposal and/or mitigating SMART actions	Lead Officer	Date for Review/ Completion	Update/ complete
Eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act 2010.	Enforcement action will only be taken in accordance with the overarching Nottingham City Council Enforcement Policy and the relevant policy to which the breach relates. The policies provide a framework to ensure that enforcement action is taken in a consistent manner. All financial penalties have a right to appeal.	Pete Mitchell	01/02/2026	
Advance equality of opportunity between those who share a protected characteristic and those who don't	The policies provide a framework to ensure that enforcement action is taken in a consistent manner. All financial penalties have a right to appeal.	Pete Mitchell	01/02/2026	
Foster good relations between those who share a protected characteristic and those who don't	The policies provide a framework to ensure that enforcement action is taken in a consistent manner. All financial penalties have a right to appeal.	Pete Mitchell	01/02/2026	

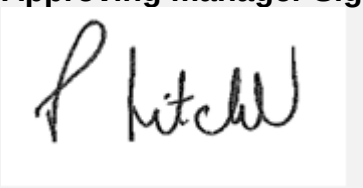
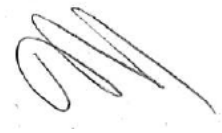
(Please add other equality outcomes as required – e.g., mitigate adverse impact identified for people with a disability)	Not applicable			

Outcome(s) of equality impact assessment:

☒	No major change needed	☐	Adjust the policy/proposal
☐	Adverse impact but continue	☐	Stop and remove the policy/proposal

Please note: All actions will need to be uploaded onto Pentana

Section 3 – Approval and publishing

The assessment must be approved by the manager responsible for the service /proposal. **Approving manager details** (name, role, contact details)**: Pete Mitchell, Head of Service, 07572262281** **Approving manager Signature:** 	**Date sent for advice:** **03/02/25**
Author Signature: 	
Equality Team Signature: Nasreen Miah	**Date of final approval:** **23/05/2025**

For further information and guidance, please visit the Equality Impact Assessment Intranet Pages
Alternatively, you can contact the Equality and Employability Team by telephone on 0115 876 2747

Send document or link for advice and/ or publishing to: edi@nottinghamcity.gov.uk

PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.