

Equality Impact Assessment (EIA)

Document control

Title of activity:	Article 4 Directions to introduce requirement for express planning permission for proposed changes of use to Houses in Multiple Occupation (HMOs)
Type of activity:	<p>This is an activity undertaken in the Council's capacity as the Local Planning Authority (LPA). Article 4 of the Town and Country Planning General Permitted Development Order enables LPAs to remove "permitted development" for changes of use and/ or built development that otherwise would not need express planning permission from the LPA. This legal provision exists so that, where justified, such additional LPA control can be exercised over development types in the public interest.</p> <p>The activity involves making an Article 4 Direction, specifying the otherwise permitted category of development now requiring express planning permission from the LPA. The Direction is publicised for 6 weeks and any representations received are to be taken into account when the LPA decides whether or not to confirm the Direction.</p> <p>There are two types of Article 4 Direction: Immediate and Non-Immediate. The two Article 4 Directions subject of this EIA are Non-Immediate and would take effect one year after being made.</p> <p>Article 4 Directions are a routine procedure through which additional planning controls can be exercised. They introduce a need for planning permission before a development within the specified category may proceed. They are not a mechanism for</p>

	refusing all development specified within the Direction irrespective of individual merit. A framework of established national, London and local planning policy would inform any planning application decisions and representations received in response to statutory consultation on individual planning applications would be taken into account. The requirement for planning applications through an Article 4 Directions is not retrospective so would only apply to future formation of HMOs once the Article 4 directions are in effect.
Lead officer:	Simon Thelwell Projects and Regulation Manager Development and Building Control, Community and Resources Directorate
Approved by:	Patrick Keyes Head of Regulatory Services, Community and Resources Directorate
Date completed:	16 June 2015
Scheduled date for review:	Following consideration of all responses received in response to statutory consultation on the making of the Article 4 Directions

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at diversity@haverling.gov.uk

About your activity

1	Title of activity	Article 4 Directions to introduce requirement for express planning permission for changes of use to Houses in Multiple Occupation (HMOs)
2	Type of activity	<p>This is an activity undertaken in the Council's capacity as the Local Planning Authority (LPA). Article 4 of the Town and Country Planning General Permitted Development Order enables LPAs to remove "permitted development" for changes of use and/ or built development that otherwise would not need express planning permission from the LPA. This legal provision exists so that, where justified, such additional LPA control can be exercised over development types in the public interest.</p> <p>The activity involves making an Article 4 Direction, specifying the otherwise permitted category of development now requiring express planning permission from the LPA. The Direction is publicised for 6 weeks and any representations received are to be taken into account when the LPA decides whether or not to confirm the Direction.</p> <p>There are two types of Article 4 Direction: Immediate and Non-Immediate. The two Article 4 Directions subject of this EIA are Non-Immediate and would take effect one year after being made.</p> <p>Article 4 Directions are a routine procedure through which additional planning controls can be exercised. They introduce a need for planning permission before a development within the specified category may proceed. They are not a mechanism for refusing all development specified within the Direction irrespective of individual merit. A framework of established national, London and local planning policy would inform any planning application decisions and representations received in response to statutory consultation on individual planning applications would be taken into account. The</p>

		<p>requirement for planning applications through an Article 4 Directions is not retrospective so would only apply to future formation of HMOs once the Article 4 directions are in effect.</p>
<p>3</p>	<p>Scope of activity</p>	<p>Under Part 3, Section 3.6.6, paragraph (x) of the Council's Constitution, delegated authority is granted to the Head of Regulatory Services, to make Article 4 Directions.</p> <p>Recently there has been an increase in the number of reports received by Planning Enforcement regarding HMOs. In the main, upon investigation, most recent reports of HMO involve smaller semi-detached or terraced houses. A number of these appear to involve change of use of a dwelling in to an HMO of the category that does not need planning permission. There is a concern that such properties, being in such close proximity to existing single household dwellings and given their likely intensity of occupation would cause significant noise and other disturbance to adjoining and nearby residents. There is further concern that, uncontrolled, there could be a concentration of HMOs in certain areas resulting in social issues.</p> <p>In 2008 the DCLG report "Evidence Gathering - Houses in Multiple Occupation and possible planning responses" identified a number of problems associated with HMOs including:</p> <ul style="list-style-type: none"> • Anti-social behaviour, noise and nuisance • imbalanced and unsustainable communities • negative impacts on the physical environment and streetscape • pressures upon parking provision • increased crime • growth in private rented sector at the expenses of owner-occupation • pressure upon local community facilities and • restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

Although the report is a little dated, it is considered that these problems can still exist and in particular can be more severe if HMOs are formed in smaller dwellings as appears to be the recent trend in Havering.

It is recognised that HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. However, this needs to be balanced with the potential harm identified above. The best way of balancing the need against possible harm would be through the Council's being able to determine a planning application. In this case, planning control can only be exercised through an Article 4 direction.

Consideration has been given as to the content of any Article 4 Direction, in terms of scope and areas covered. Current LDF policy is generally supportive of HMOs in detached dwellings, where direct impacts on neighbours are generally better contained. Evidence suggests a trend towards conversion of smaller dwellings to form HMOs including semi-detached and terraced houses, particularly within the following Wards: Brooklands, Romford Town, Heaton, Gooshays. It is recommended that for these wards where the formation of HMOs is taking place in unsuitable properties and/or where the accumulation of HMOs is causing or risks causing significant impacts within the community, an Article 4 Direction be introduced to require planning permission for the formation of an HMO from any existing residential property type encompassing detached, semi-detached and terrace houses and flats anywhere within these wards.

However the recent reports received by Planning Enforcement regarding HMOs cover several different areas in the Borough where there are also smaller terraced and semi-detached properties. There is wide distribution of these types of property across the Borough, except for the more rural areas. A further consideration would be that to restrict any particular area or areas of the Borough geographically may result in issues arising in areas not covered by that first Article 4 Direction. It is therefore recommended that a second Article 4 Direction be introduced to cover the remaining extent of the Borough beyond the wards of primary geographic

		<p>attention.</p> <p>The second Article 4 Direction should introduce the requirement for planning permission to be obtained for the formation of an HMO from any existing semi-detached or terraced house or flat anywhere within those other parts of the Borough. The change of use from a detached house to a HMO (C4) would not be covered by this second Article 4 direction.</p>
4a	Is the activity new or changing?	<p>The process of making Article 4 Directions for this specific subject (HMOs) is a new activity for Havering LPA but is an established legal procedure and has been invoked by other Boroughs to ensure a better balance of control over HMO formation in the interests of those people relying on this form of accommodation and the broader community who occupy property near to HMOs. It is being undertaken in response to changing activity within the community described in Section 3 above.</p>
4b	Is the activity likely to have an impact on individuals or groups?	<p>The process of making these Article 4 Directions will impact on individuals/ groups in the following ways :</p> <ul style="list-style-type: none"> • Owners who seek to convert their houses and flats into HMOs • People who are potential occupiers of future HMOs • Borough residents and businesses located within the vicinity of HMOs • Interest groups (eg Faith groups) which support the provision of or access to HMO accommodation • Public agencies and their partners eg Havering Council services, Utility companies, Emergency services who will be consulted on any future planning applications for HMOs <p><i>If the answer to any of these questions is 'yes', please continue to step 5.</i></p> <p><i>If the answer to <u>all</u> of the questions is 'no', please go to step 6.</i></p>
5	If you answered yes:	<p>Section 149 of the Equality Act 2010 stipulates the Public Sector equality duty. A public authority must, in the exercise of its functions, have due regard to the need to :</p> <p>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.</p>

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 2 of this EIA addresses the public sector equality duty insofar as Havering holds information about the existence of HMOs. This data is not fully developed at this stage mainly because the borough has not historically found need for a licensing scheme beyond the statutory licensing of three storey HMOs. Set against this is the reality for Havering Council's public duty that circumstances surrounding the topic of HMOs are fast developing within the local community and there are associated and growing social tensions, being fuelled by the perceived lack of Council control over the suitability and impact of HMO developments happening on the ground. Key to addressing these concerns, in the interests of all members of the community, is the requirement for greater transparency of process and more balanced control, similarly in the public interest, as to how and where HMOs are proposed to be formed in future.

Section 2 addresses the anticipated impacts on groups with relevant protected characteristics. Inherent within the statutory process of making Article 4 Directions is the requirement to publicise the Directions within the community and to take into account when deciding whether or not to confirm the Direction all representations received.

Once the consultation has been completed and representations taken into account then should the LPA decide to proceed with the Article 4 Directions their Non-Immediate nature would provide ample timeframe for monitoring to be introduced to assess the impact on groups with relevant protected characteristics prior to any Article 4 Direction coming into effect.

In the meantime to aid general assessments of overall impacts reference has been made to equality profile data compiled in respect of existing HMOs managed on behalf of LB Havering. These properties accommodate 91 tenants and the profile data is summarised at Appendix 1 to this EIA.

6	If you answered no:	N/A

Completed by:	Simon Thelwell Projects and Regulation Manager Development and Building Control, Community and Resources Directorate
Date:	

2. Equality Impact Assessment

Background/context:
<p>Under Part 3, Section 3.6.6, paragraph (x) of the Council's Constitution, delegated authority is granted to the Head of Regulatory Services, to make Article 4 Directions.</p> <p>Recently there has been an increase in the number of reports received by Planning Enforcement regarding HMOs. In the main, upon investigation, most recent reports of HMO involve smaller semi-detached or terraced houses. A number of these appear to involve change of use of a dwelling in to an HMO of the category that does not need planning permission. There is a concern that such properties, being in such close proximity to existing single household dwellings and given their likely intensity of occupation would cause significant noise and other disturbance to adjoining and nearby residents. There is further concern that, uncontrolled, there could be a concentration of HMOs in certain areas resulting in social issues.</p> <p>In 2008 the DCLG report "Evidence Gathering - Houses in Multiple Occupation and possible planning responses" identified a number of problems associated with HMOs including:</p> <ul style="list-style-type: none"> • Anti-social behaviour, noise and nuisance • imbalanced and unsustainable communities • negative impacts on the physical environment and streetscape

- pressures upon parking provision
- increased crime
- growth in private rented sector at the expenses of owner-occupation
- pressure upon local community facilities and
- restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

Although the report is a little dated, it is considered that these problems can still exist and in particular can be more severe if HMOs are formed in smaller dwellings as appears to be the recent trend in Havering.

It is recognised that HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. However, this needs to be balanced with the potential harm identified above. The best way of balancing the need against possible harm would be through the Council's being able to determine a planning application. In this case, planning control can only be exercised through an Article 4 direction.

Consideration has been given to the content of any Article 4 Direction, in terms of scope and areas covered. Current LDF policy is generally supportive of HMOs in detached dwellings, where direct impacts on neighbours are generally better contained. Evidence suggests a trend towards conversion of smaller dwellings to form HMOs including semi-detached and terraced houses, particularly within the following Wards: Brooklands, Romford Town, Heaton, Gooshays. It is recommended that for these wards where the formation of HMOs is taking place in unsuitable properties and/or where the accumulation of HMOs is causing or risks causing significant impacts within the community (including likelihood of internally and externally transmitted noise and disturbance, adverse impact on living conditions and enjoyment of external garden areas, impact on residential character and amenity and harm to social tension) an Article 4 Direction be introduced to require planning permission for the formation of an HMO from any existing residential property type encompassing detached, semi-detached and terrace houses and flats anywhere within these wards.

However the recent reports received by Planning Enforcement regarding HMOs cover several different areas in the Borough where there are also smaller terraced and semi-detached properties. There is wide distribution of these types of property across the Borough, except for the more rural areas. A further consideration would be that to restrict any particular area or areas of the Borough geographically may result in issues arising in areas not covered by that first Article 4 Direction. It is therefore recommended that a second Article 4 Direction be introduced to cover the remaining extent of the Borough beyond the wards of primary geographic attention.

The second Article 4 Direction should introduce the requirement for planning permission

to be obtained for the formation of an HMO from any existing semi-detached or terraced house or flat anywhere within those other parts of the Borough. The change of use from a detached house to a HMO (C4) would not be covered by this second Article 4 direction.

Age: Consider the full range of age groups	
<i>Please tick (✓) the relevant box:</i>	
Positive	Y
Neutral	
Negative	
<p>Overall impact:</p> <p>It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.</p> <p>HMO accommodation provides for the accommodation needs of all adult ages within the community such as but not limited to young people and older residents.</p> <p>Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory and other agencies can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of age and other protected characteristics. Equally such planning controls will take account of the amenity interests of those people living near such proposed premises which will include people with protected characteristics. That would for example include older residents and/or long-term households who find change unsettling and concerning especially where there's a perceived vacuum in local control and accountability.</p> <p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless 	

	<p>to have any influence or engagement with them;</p> <ul style="list-style-type: none"> - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process <p style="text-align: right;"><i>*Expand box as required</i></p>
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<p>Evidence:</p> <p>No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Sources used:</p> <p>Profile data for LBH managed HMOS for indicative purposes only</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
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Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions		
<i>Please tick (✓) the relevant box:</i>		Overall impact:
Positive	Y	It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.
Neutral		Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and other stakeholders including those representing the interests of all people irrespective of disability and other protected characteristics can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of future HMO occupiers.
Negative		<p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process
<i>*Expand box as required</i>		
Evidence:		
<p>No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process</p>		

because it serves as a useful indicative benchmark about several of the protected characteristics.

**Expand box as required*

Sources used: Profile data for LBH managed HMOS for indicative purposes only

**Expand box as required*

Sex/gender: Consider both men and women

Please tick (✓) the relevant box:

Overall impact:

Positive

It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.

Neutral

Negative

Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and stakeholders can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of sex/gender or other protected characteristics This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :

- reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them;
- improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough
- foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process

		<i>xpand box as required</i>
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Evidence:

No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.

**Expand box as required*

Sources used:

Profile data for LBH managed HMOS for indicative purposes only

**Expand box as required*

Ethnicity/race: Consider the impact on different ethnic groups and nationalities

<i>Please tick (✓) the relevant box:</i>		Overall impact: It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty. Making Article 4 Directions will enable conventional planning controls to be introduced thereby bringing transparency and greater openness including clarification of the applicants seeking to form HMOs and what their proposed development entails. Data held by LBH indicates that within currently occupied HMOs in the borough some 85% of occupiers regard themselves as White British, which is broadly comparable with the proportion of White British residents living in Havering. The Council doesn't have detailed ethnicity breakdown of residents who occupy currently known HMOs. Having greater transparency will therefore enable us to identify if there are certain ethnic groups that are more likely to be affected by the proposals. The positive impact will benefit all people associated with the quality and impacts of HMOs irrespective of ethnicity and other protected characteristics. This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions
Positive	<input checked="" type="checkbox"/>	
Neutral	<input type="checkbox"/>	
Negative	<input type="checkbox"/>	

		<p>would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process <p style="text-align: right;"><i>*Expand box as required</i></p>
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<p>Evidence: No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Sources used: Profile data for LBH managed HMOS for indicative purposes only</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Religion/faith: Consider people from different religions or beliefs including those with no religion or belief</p>		
<p>Please tick (✓) the relevant box:</p>	<p>Overall impact:</p>	
<p>Positive</p>	<p>Y</p>	<p>It is anticipated that the Article 4 directions will have a positive impact</p>

Neutral	on Havering's public sector equality duty.
Negative	<p>Making Article 4 Directions will enable conventional planning controls to be introduced thereby bringing transparency.. Having greater transparency will enable us to identify if there are certain religious groups that are more likely to be affected by the proposals.</p> <p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process <p style="text-align: right;"><i>*Expand box as required</i></p>
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<p>Sources used:</p> <p>N/A</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual</p>	
<p><i>Please tick (✓) the relevant box:</i></p>	
<p>Positive</p>	<p>Y</p>
<p>Neutral</p>	
<p>Negative</p>	
<p>Overall impact:</p> <p>It is anticipated that the Article 4 directions will have a positive impact on Hovering's public sector equality duty.</p> <p>Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and other stakeholders can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of their sexual orientation.</p> <p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process <p style="text-align: right;"><i>*Expand box as required</i></p>	

Evidence:

No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.

**Expand box as required*

Sources used:

N/A

**Expand box as required*

Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

*Please tick (✓)
the relevant box:*

Overall impact:

Positive

Y

It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.

Neutral

Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and other stakeholders can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of their gender identity.

Negative

This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :

- reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them;
- improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the

		<p>borough</p> <ul style="list-style-type: none"> - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process
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**Expand box as required*

Evidence:

No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.

**Expand box as required*

Sources used:

N/A

**Expand box as required*

Marriage/civil partnership: Consider people in a marriage or civil partnership		
<i>Please tick (✓) the relevant box:</i>		<p>Overall impact:</p> <p>It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.</p> <p>Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and other stakeholders can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of their marital or civil partnership status.</p>
Positive	Y	
Neutral		
Negative		

	<p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process <p><i>*Expand box as required</i></p>
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<p>Evidence:</p> <p>No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p>Sources used:</p> <p>N/A</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave

<i>Please tick (✓) the relevant box:</i>		Overall impact:
Positive	Y	It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.
Neutral		Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory agencies and other stakeholders can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of pregnancy, maternity or paternity.
Negative		<p>This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :</p> <ul style="list-style-type: none"> - reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them; - improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough - foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process
<i>*Expand box as required</i>		
Evidence:		
<p>No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.</p>		

*Expand box as required

Sources used:

N/A

*Expand box as required

Socio-economic status: Consider those who are from low income or financially excluded backgrounds

Please tick (✓) the relevant box:

Positive

Y

Overall impact:

It is anticipated that the Article 4 directions will have a positive impact on Havering's public sector equality duty.

Neutral

Making Article 4 Directions will enable conventional planning controls to be introduced so that statutory and other consultee agencies can be consulted on the suitability of the facilities and amenities provided by such accommodation in the interests of all future HMO occupiers irrespective of their socio-economic status.

This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help :

Negative

- reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them;
- improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough
- foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process

*Expand box as required

Evidence:

No local data is yet specifically available on the profile of protected characteristics associated with newly forming HMOs which is the primary purpose of introducing these Article 4 Directions. This is because conversion works are still on going and their occupation has not yet substantially commenced and /or data is not available to the Council because no planning permission is currently required nor do licensing provisions under the Housing Acts apply to the premises in question. Some equality profile data specific to the management of HMOs on behalf of the Council itself is available and is attached in Appendix 1 to this report. However that profile data will not necessarily be consistent with that of newly forming HMOs and it will not necessarily show the whole picture due to the complexity of data collection. It is included at this stage of the process because it serves as a useful indicative benchmark about several of the protected characteristics.

**Expand box as required*

Sources used:

N/A

**Expand box as required*

Action Plan

In this section you should list the specific actions that set out how you will address any negative equality impacts you have identified in this assessment.

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer
All	None	N/A	Review this EIA in light of all comments received following statutory consultation on introduction of Article 4 Directions.	Following closure of statutory 6 weeks consultation period	Simon Thelwell
			From above, all issues pertaining to protected characteristics to be specifically identified and reviewed in liaison with LBH Equality staff to assess requirements for specific mitigation actions.	Following closure of statutory 6 weeks consultation period	Simon Thelwell
			Council decision whether	Following closure of statutory 6 weeks consultation period	Simon Thelwell

			<p>or not to proceed with confirming Article 4 Directions to take into account all representations received</p> <p>Having reviewed all representations, devise monitoring scheme for capture, review and any required mitigation of equality issues raised in relation to HMO planning applications including via complaints.</p>	<p>To coincide with any confirmation of the Article 4 Directions</p>	<p>Simon Thelwell</p>

* You should include details of any future consultations you will undertake to mitigate negative impacts

**** Monitoring:** You should state how the negative impact will be monitored; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

Review

In this section you should identify how frequently the EIA will be reviewed; the date for next review; and who will be reviewing it.

Appendix 1 – Equality Profile data for HMOs managed on behalf of LB Havering

This data was collected about the profile of tenants who occupy HMOs managed on behalf of the London Borough of Havering. In respect of the Article 4 Directions subject of this Equality Assessment the data below does not specifically represent the picture for newly forming HMOs and is referenced solely for guideline purposes.

This snapshot data represents all tenants responding to survey who were occupying HMOs managed by LBH as at 9 June 2015 sourced from the housing database.

Summary	
Total tenants:	91

Ethnicity		
Black African	8	8.8%
Black Caribbean	8	8.8%
Black other	4	4.4%
Not Known/ no response	6	6.6%
White and Asian	3	3.3%
White and Black African	2	2.2%

Sex		
M	54	59.3%
F	37	40.7%

Disabled		
Not recorded	90	98.9%
Yes	1	1.1%

White and Black Caribbean	1	1.1%
White British	56	61.5%
White Irish	1	1.1%
White Other	2	2.2%

Age		
<18	1	1.1%
19-24	35	38.5%
25-34	23	25.3%
35-44	17	18.7%
45-54	9	9.9%
55-64	4	4.4%
<65	2	2.2%