

## **Equality Impact Assessment: *Review of the Article 4 Direction and Houses in Multiple Occupation Supplementary Planning Document***

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

| <b>Committee name and date:</b> | <b>Report Title</b>   | <b>Decisions being recommended:</b>  | <b>People with protected characteristics potentially impacted by the decisions to be made:</b> |
|---------------------------------|---|--|--|
| Executive<br>28 February 2023   | Review of the Article 4 Direction and Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) | That the Executive approves the draft revised Article 4 Direction (including the Article 4 area plan) attached at Appendix A and the draft revised HMO SPD attached at Appendix B for public | Race and ethnicity; disability; sex/gender; age.   |

| Committee name and date: | Report Title | Decisions being recommended: | People with protected characteristics potentially impacted by the decisions to be made: |
|--------------------------|--------------|------------------------------|---|
|                          |              | consultation.                |   |

**Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** – some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

| Protected characteristic/ area of interest  | Positive or Negative Impact | High, Medium or Low Impact | Reason   |
|---|-----------------------------|----------------------------|--|
| Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers). | Negative                    | Low                        | HMOs are an important source of relatively affordable housing for households on low incomes and there may be a significant relationship between income and race/ethnicity in Exeter. Enlarging the area covered by the Article 4 Direction will reduce the area of the City within which HMOs can be created under permitted development rights. This may negatively impact upon this protected characteristic in terms of an ability to find affordable housing. However, the proposed increase to the area covered by the Direction is relatively small compared to the size of the city as a whole, therefore it is considered any negative impact will be low. |
|   | Neutral                     | N/A                        | The previous experience of some groups may mean that they feel marginalised and excluded from the planning process including   |

| <b>Protected characteristic/ area of interest</b>  | <b>Positive or Negative Impact</b> | <b>High, Medium or Low Impact</b> | <b>Reason</b>  |
|--|------------------------------------|-----------------------------------|--|
|  |                                    |                                   | consultation. Efforts should be given during the consultation to ensure that all groups irrespective of race and ethnicity can engage in the consultation. Digital and in-person methods should be used to support engagement.   |
| <b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities. | Negative                           | Low                               | HMOs are an important source of relatively affordable housing for households on low incomes and there may be a significant relationship between income levels and disability in Exeter. HMOs can also be an important source of specialist housing for co-living adults with physical or mental impairments. Enlarging the area covered by the Article 4 Direction will reduce the area of the City within which HMOs can be created under permitted development rights. This may negatively impact upon this protected characteristic in terms of an ability to find affordable or specialist housing. However, the proposed increase to the area covered by the Direction is relatively small compared to the size of the city as a whole, therefore it is considered any negative impact will be low. |
|  | Neutral                            | N/A                               | The previous experience of some groups may mean that they feel marginalised and excluded from the planning process including consultation. Efforts should be given during the consultation to ensure that all groups irrespective of disability can engage in the consultation. Digital and in-person methods should be used to support engagement.  |
| <b>Sex/Gender</b>  | Negative                           | Low                               | HMOs are an important source of relatively affordable housing for households on low incomes and there may be a significant relationship between income levels and sex/gender in Exeter. HMOs can also be an important source of specialist housing for women requiring respite and safety from domestic abuse. Enlarging the area covered by the Article 4 Direction will reduce the area of the City within which HMOs can be created under permitted development rights. This may negatively impact upon this protected characteristic in terms of an ability to find affordable or specialist housing. However, the proposed increase to the area   |

| Protected characteristic/ area of interest   | Positive or Negative Impact | High, Medium or Low Impact | Reason   |
|--|-----------------------------|----------------------------|--|
|  |                             |                            | covered by the Direction is relatively small compared to the size of the city as a whole, therefore it is considered any negative impact will be low.  |
| <b>Gender reassignment</b>   | Neutral                     | N/A                        | The Article 4 Direction and HMO SPD do not include specific policies that relate to this protected characteristic. No direct or indirect impacts are anticipated.  |
| <b>Religion and belief</b> (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).   | Neutral                     | N/A                        | The Article 4 Direction and HMO SPD do not include specific policies that relate to this protected characteristic. No direct or indirect impacts are anticipated.  |
| <b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).  | Neutral                     | N/A                        | The Article 4 Direction and HMO SPD do not include specific policies that relate to this protected characteristic. No direct or indirect impacts are anticipated.  |
| <b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs). | Negative                    | Low                        | HMOs are an important source of housing for students and expanding the Article 4 Direction could negatively impact upon the availability of student housing. However, because the size of the proposed increase in the area covered by the Direction is relatively small, and due to the Council's positive planning policy towards purpose built student accommodation, it is considered that this potentially negative impact will be low.   |
|  | Negative                    | Low                        | HMOs are an important source of relatively affordable housing for young people, because single people under 35 years of age in receipt of housing benefit have rents pegged to the cost of a room in shared accommodation. Also, HMOs can be an important source of specialist housing for young people, for example for care leaving young adults being supported in their transition to independence. Enlarging the area covered by the Article 4 Direction will reduce the area of the City within which HMOs can be created under permitted development rights. This may negatively impact upon this protected characteristic in terms of an ability to find affordable or specialist housing. However, the proposed |

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|---|-----------------------------|----------------------------|---|
|   | Neutral                     | N/A                        | increase to the area covered by the Direction is relatively small compared to the size of the city as a whole, therefore it is considered any negative impact will be low.<br><br>The consultation methods to be used may be positive for some age groups and negative for others. Digital activities often provide improved access for younger groups whilst an over-emphasis can exclude older groups. A balance of methods will need to be provided. |
| <b>Pregnancy and maternity</b> including new and breast feeding mothers | Neutral                     | N/A                        | The Article 4 Direction and HMO SPD do not include specific policies that relate to this protected characteristic. No direct or indirect impacts are anticipated.   |
| <b>Marriage and civil partnership status</b>                            | Neutral                     | N/A                        | The Article 4 Direction and HMO SPD do not include specific policies that relate to this protected characteristic. No direct or indirect impacts are anticipated.   |

**Actions identified that will mitigate any negative impacts and/or promote inclusion**

Upon implementation, monitoring the impact of the draft revised Article 4 Direction and HMO SPD upon the availability of HMOs to meet the housing needs of households with protected characteristics.

Consideration of a breadth of consultation methods to support the needs of groups with protected characteristics.

**Officer:** Katharine Smith, Principal Project Manager, Local Plan

**Date:** 25 January 2023