

## Equality Impact Assessment Form

The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010. Under the Act there is a legal obligation to undertake Equality Impact Assessments (EIAs) as stated in the Public Sector Equality Duty. This duty comes into effect on 6 April 2011 and states that as a public organisation we must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

EIAs **assess the impact** of the council's actions on people from the protected characteristics identified in the Act. In addition they should show how our policies and practices would further or have furthered the above aims. Demonstration of the **engagement** you have undertaken when doing the assessment is a key part of this process. Engagement covers a range of different activities, from formal public consultations to direct engagement with people from protected groups. The level of engagement you undertake will depend on the scale of project/activity you are developing or updating.

To comply with the essence of legislation EIAs should be a comprehensive, formal and structured process and the results should be published. These factors enable us to demonstrate to all stakeholders and regulatory/enforcement bodies (like the Equality and Human Rights Commission) that we have fully addressed equality and diversity within the council.

An Equality Impact Assessment must be done at the **development stage** of any policy, review, project, service change etc, **before any decision is taken.**

1	Name and Job Title of person completing assessment	<b>Jonathan Carr Head of Development Management</b>
2	Name of service, policy, function or criteria being assessed	<b>Article 4 Direction relating to Houses n Multiple occupation</b>
3	What are the main objectives or aims of the service/policy/function/criteria?	<b>The direction will remove Permitted development rights such that planning permission will be needed to change the use of a dwelling house to a House in Multiple Occupation by between 3 and 6 unrelated persons. The Direction will be considered by Cabinet on 1<sup>st</sup> November 2011.</b>

4	Date	10 <sup>th</sup> October 2011
---	------	-------------------------------

<b>Stage 1: Initial Screening</b>				
5	What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact <b>on quality of life outcomes</b> <sup>1</sup> for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience; anecdotal; research, including national or sectoral; results of engagement/consultation <sup>2</sup> ; monitoring data etc) and assess relevance of impact as: Not relevant / Low / Medium / High.			
<b>Protected Characteristic</b>	<b>Impact</b> Not relevant = NR, Low = L, Medium = M, High = H		Source of <b>evidence</b> that there is or is likely to be adverse impact	
	Staff	Customers /Public	Staff	Customers/Public
Race	NR - change is to use of planning controls in York not internal organisation or procedure	Low .Persons with this protected characteristic may be affected by changes to the distribution and supply of HMOs if it is proposed in a way that creates a sense of isolation  It is anticipated the policy to follow the Direction would prevent harmful concentrations of HMOs being created	No evidence – no impact on this characteristic	There is no evidence that persons with this protected characteristic are more likely to occupy C4 HMO in York, with no strong correlation between the protected characteristic and existing concentrations of HMOs. However language and cultural issues can cause community tension and cohesion issues if groups are concentrated in isolated areas.

<sup>1</sup> See appendix 1

<sup>2</sup> See appendix 2

<p>Religion / Spirituality /Belief</p>	<p>NR - change is to use of planning controls in York not internal organisation or procedure</p>	<p>Low. There may be differential impacts through the management of the supply and distribution of C4 HMOs, if it is implemented in such a way that creates feelings of isolation.</p> <p>However it is anticipated the policy complementing the Direction would prevent harmful concentrations of HMOs being created.- positive impact</p>	<p>No evidence</p>	<p>No firm evidence of particular concentrations of persons requiring consideration under this protected characteristic in high number HMO areas.</p>
<p>Gender</p>	<p>NR- change is to use of planning controls in York not internal organisation or procedure</p>	<p>None. Women can be disproportionately affected by community safety issues.</p> <p>Positive impact - A feeling of community safety would potentially be maintained through the protection of mix of housing provision in the city</p>	<p>No evidence</p>	<p>No evidence of particular concentrations of persons requiring consideration under this protected characteristic in high number HMO areas.</p>

<p>Disability</p>	<p>NR - change is to use of planning controls in York not internal organisation or procedure</p>	<p>Differential impact if persons with protected characteristic are unable to engage with consultation process for formulating policy on HMOs.</p> <p>People with disability may be affected if trying to submit and application for C4 HMO use</p> <p>Otherwise Positive impact - see section 7</p>	<p>No evidence</p>	<p>No evidence of particular concentrations of persons requiring consideration under this protected characteristic in high number HMO areas.</p> <p>No evidence of people with disabilities submitting proportionality more applications, or having difficulties in submitting applications .</p>
<p>Sexual Orientation</p>	<p>NR - change is to use of planning controls in York not internal organisation or procedure</p>	<p>NR No disproportionate impact identified.</p> <p>A feeling of community safety would potentially be maintained through the protection of mix of housing provision in the city</p>	<p>No evidence</p>	<p>No evidence</p>
<p>Age</p>	<p>NR - change is to use of planning controls in York not internal organisation or procedure</p>	<p>Low / Potential for some differential impact depending on how of distribution and supply of HMOs is managed through policy to follow confirmation of the Direction.</p> <p>Otherwise positive impacts – see section 7</p>	<p>No evidence</p>	<p>HMOs disproportionately occupied by those in the 18 -30 age group. Changes to housing benefit likely to result in increased number of persons up to 35 yrs in shared housing.</p>

Pregnancy/mat ernity	NR - change is to use of planning controls in York not internal organisation or procedure	NR	No evidence	No evidence of particular concentrations of persons with this protected characteristic in high number C4 HMO areas.  HMOs affected by the Directions are properties occupied by 3 or more unrelated people. Co habiting couples, single parent families and other related people living in a property are defined as living in a family home and so are unaffected by the proposal.
Gender Reassignment	NR - change is to use of planning controls in York not internal organisation or procedure	NR  Positive impact. A feeling of community safety would potentially be maintained through the protection of mix of housing provision in the city	No evidence	No evidence of particular concentrations of persons with this protected characteristic in high number C4 HMO areas.
Marriage and Civil Partnership	NR - change is to use of planning controls in York not internal organisation or procedure	NR	No evidence	No evidence of particular concentrations of persons with this protected characteristic in high number C4 HMO areas.  HMOs affected by the Directions are properties occupied by 3 or more unrelated people. Co habiting couples, single parent families and other related people living in a property are defined as living in a family home and so are unaffected by the proposal.
Carers of older and disabled people	NR - change is to use of planning controls in York not internal organisation or procedure	NR  Potential positive impact	No evidence	No evidence

If you assess the service/policy/function as **not relevant across ALL the characteristics**, please proceed to

section 11.

If you assess the service/policy/function as **relevant for ANY of the characteristics**, continue to Stage 2, Full Equality Impact Assessment.

<b>Stage 2: Full Equality Impact Assessment</b>		
6	Are there any concerns that the proposed or reviewed service/policy/function/criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? If so record them here (expand the boxes to take up as much room as you need). See the <a href="#">2 EIA Guidance documents</a> on Colin for help as to what the issues may be.	
a	Public/customers	The Direction itself proposes no impact other than requiring planning applications to be submitted to create House in multiple occupation (no fee payable). This may have an impact on landlords or prospective landlord in needing to submit planning applications. However there is no prevalent and relevant protected characteristic amongst current landlord cohort in York. It is the subsequent policy on how to deal with applications that would determine the impact upon the equality strands.
b	Staff	No – change is to external planning control rather than internal organisation
7	<p>Can the adverse impact be justified? For example:</p> <ul style="list-style-type: none"> <li>▪ improving community cohesion</li> <li>▪ complying with other legislation or enforcement duties</li> <li>▪ taking positive action to address imbalances or under-representation</li> <li>▪ needing to target a particular community or group e.g. older people.</li> </ul> <p><b>NB. Lack of financial resources alone is NOT justification!</b></p>	
	<ul style="list-style-type: none"> <li>• The Policy to follow the making of the Direction is likely to lead to maintenance and improvement of community cohesion through maintenance of mix of housing and population profile in local areas. Also dispersal of HMOs likely to improved diversity of communities:- <ul style="list-style-type: none"> <li>- Will assist in ensuring care and social well-being of otherwise isolated elderly individuals or groups in all areas</li> <li>- Will assist in maintaining feeling of community safety for older groups, women, and persons within protected characteristics e.g. sexual orientation, garner reassignment</li> <li>- Will reduce potential for isolation of religious beliefs, racial groups and assist in minimising community tensions</li> </ul> </li> <li>• Parking issues preventing accessibility to vehicles to inconvenience of persons with mobility issues can arise in areas of high concentrations of HMOs. Direction and policy can alleviate this by ensuring distribution of HMOs does not lead to on street parking congestion in localised areas.</li> <li>• The requirement for planning permission will allow the Council to consider issues of accessibility to shared housing to improve convenience for disabled occupants</li> </ul>	
8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?	

<ul style="list-style-type: none"> <li>• Consider the adequate provision of and acceptable distribution of C4 HMOs through formulation and implementation of planning policy and appropriate guidance</li> <li>• Formulation and implementation of the policy relating to how applications for C4 HMOs will be decided needs to be an inclusive process to ensure diverse community groups are aware and involved.</li> <li>• Ensure Communications are accessible for people with disabilities</li> <li>• Ensure assistance continues to be available for those with disabilities in submitting planning applications through a variety of media and face to face.</li> </ul>			
9	What arrangements will you put in place to <b>monitor impact</b> of the proposed service/policy/function/criteria on individuals from the protected characteristics?		
<ul style="list-style-type: none"> <li>• Feedback sought from applicants submitting applications for C4 HMOs</li> <li>• Level of noise complaints, littering, and incidences of crime in output areas where currently high concentration of HMOs and adjacent areas will be assessed after implementation of the Direction.</li> </ul>			
10	List below actions you will take to <b>address any unjustified impact and promote equality of outcome (as in appendix 1)</b> for staff, customers and the public from the protected characteristics. The action could relate to: <ul style="list-style-type: none"> <li>▪ Procedures</li> <li>▪ Service delivery</li> <li>▪ Training</li> <li>▪ Improvement projects</li> </ul>		
Action		Lead	When by?
No unjustified impacts identified			
11	Date EIA completed		
Author: Jonathan Carr Position: Head of Development Management Date: 11.10.11			
12	Signed off by		
<b>I am satisfied that this service/policy/function has been successfully equality impact assessed.</b> Name: Position: Date:			
Please send the completed assessment for feedback to <a href="mailto:evie.chandler@york.gov.uk">evie.chandler@york.gov.uk</a> and <a href="mailto:heather.johnson@york.gov.uk">heather.johnson@york.gov.uk</a> Once your EIA has been completed we shall also add it to the corporate register of EIAs. We use the			

## **Appendix 1 - Quality of Life Indicators (also known as “the 10 dimensions of equality”)**

We must ensure there is no adverse impact in terms of:

- Longevity, including avoiding premature mortality.
- Physical security, including freedom from violence and physical and sexual abuse.
- Health, including both well-being and access to high quality healthcare.
- Education, including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.
- Standard of living, including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.
- Productive and valued activities, such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others.
- Individual, family and social life, including self-development, having independence and equality in relationships and marriage.
- Participation, influence and voice, including participation in decision-making and democratic life.
- Identity, expression and self-respect, including freedom of belief and religion.
- Legal security, including equality and non-discrimination before the law and equal treatment within the criminal justice system.

Indicators from: The Equalities Review 2007 and the Equality Framework for Local Government.



## **Consultation Responses to Notice of Article 4 Direction**

A Press newspaper notice was placed, and 14 public notices across the city were displayed on 20<sup>th</sup> April, and a 3 month period of consultation was held. Interested parties (those commenting in respect of items relating to the making of a Direction at Local development Framework Working Group and Executive meetings) were also contacted directly. Notice was given on the Council's website, and Parish Council's, Planning Panels, developers and agents were notified. The consultation exceeded the minimum requirements of the Town and Country Planning General Permitted Development Order (as amended).

### **Responses**

55 responses (17 in support of the Direction) were received. These will be summarised in the report to consider confirming the Direction. Some objectors raised equalities concerns for students on the grounds of age, race and ethnicity in that the Direction would mean greater distances to travel from the Universities.

The Report to confirm the direction does not include criteria for assessing how applications will be decided, so it is premature to predict the impact on particular groups.

The direct impact of confirmation of the Direction would be upon owners and landlords needing to seek permission if they wish to change the use of a dwelling to a house in multiple occupation. This affects all owners and landlords with property in the area. There is no evidence from information held regarding landlords and in the experience of Housing staff to suggest that the equality of life indicators (appendix 1) of this group would be adversely affected.